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B I L L S,

PUBLIC:

NINE VOLUMES.

539-14
-14

—(1.)—

ABSENTEE PROPRIETORS (IRELAND)

TO

COUNTY REPRESENTATIVE COUNCILS (IRELAND).

Session

17 *January* — 16 *August* 1878.

Parliamentary papers.

VOL. I.

o 1878.

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1879, Oct. 6.
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1878.

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[To be substituted for Bill previously delivered.]

A

B I L L

TO

Remove doubts concerning the due Acknowledgment of Deeds by Married Women in Ireland in certain cases. A.D. 1878.

WHEREAS by the Act passed in the session of Parliament holden in the fourth and fifth years of King William the Fourth, chapter ninety-two, for the abolition of fines and recoveries and for the substitution of more simple modes of assurance in Ireland, it is provided that every deed to be executed by a married woman for any of the purposes thereof, except such as may be executed by her in the character of protector for the sole purposes of giving her consent to the disposition of a tenant in tail, shall, upon her executing the same or afterwards, be produced and acknowledged by her as her act and deed before a Judge of one of the Superior Courts at Dublin or a Master in Chancery, or before two of the perpetual Commissioners, or two special Commissioners to be respectively appointed as therein provided; and a certificate of the taking of such acknowledgment is thereby directed to be lodged with some officer of the Court of Common Pleas in Dublin, who is directed, after satisfying himself that the requisitions of the said Act have been complied with in manner therein mentioned, to cause the said certificate to be filed of record in the said Court of Common Pleas: 4 & 5 W. 4. c. 92.

And whereas by "the County Officers and Courts (Ireland) Act, 1877," it is enacted that any acknowledgment to be made by any married woman under the said Act of the fourth and fifth William the Fourth may be received by any Chairman in the same manner in which such acknowledgment may be received by a Judge of a superior court: 40 & 41 Vict. c. 56.

And whereas it is apprehended that deeds executed by married women under the provisions of the said Act may be liable to be invalidated by the circumstances that the Judge or Master in Chancery, or County Court Judge and Chairman of Quarter Sessions, or one or both of the Commissioners taking the acknow-

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A.D. 1878.

ledgment, may be or may have been interested or concerned, either as a party or otherwise, in the transaction giving occasion for such acknowledgment, and it is not expedient that deeds executed in good faith under such circumstances should be invalidated:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Extent of Act.

1. This Act shall not apply to England or Scotland.

Short title.

2. This Act may be cited as the Acknowledgment of Deeds by Married Women (Ireland) Act, 1878.

Acknowledgment of deed not impeachable by reason only of party before whom same was taken being interested.

3. No deed which has been acknowledged by a married woman before a Judge of one of the Superior Courts at Dublin or a Master in Chancery, or which has been acknowledged or which shall hereafter be acknowledged before a Judge of the High Court of Justice in Ireland or a County Court Judge and Chairman of Quarter Sessions, or before two of the perpetual Commissioners or two special Commissioners appointed as by the said Act is required, shall be impeached or impeachable at any time after the certificate of such acknowledgment has been filed of record by reason only that such Judge, County Court Judge and Chairman, or Master in Chancery, or such Commissioners, or either of them, was or were interested or concerned either as a party or parties, or as attorney or solicitor or clerk to the attorney or solicitor of one of the parties, or otherwise in the transaction giving occasion for such acknowledgment.

Staying proceedings for quashing certificate of acknowledgment.

4. Provided that if any proceeding instituted before the ninth day of May one thousand eight hundred and seventy-eight in the said High Court of Justice in Ireland for the purpose of quashing or taking off the file of records of the said court any certificate of an acknowledgment of a deed by a married woman on the ground that such Judge, County Court Judge and Chairman, or Master in Chancery, or either of such Commissioners, was interested or concerned as aforesaid, shall be pending at the passing of this Act, it shall be lawful for the said court to proceed with and dispose of the same as if this Act had not passed, except that if the said court shall be satisfied that any person or persons acting *bonâ fide* has or have been induced by the terms of the orders made by the said Court of Common Pleas to acknowledge or to accept a title depending on the acknowledgment of any deed or deeds before Commissioners one of whom may have been interested or concerned as aforesaid, the

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said High Court may refuse to permit the certificate to be quashed or taken off the file on such terms as to the payment of costs and expenses as the said High Court shall think fit to make.

High Court of Justice may make rules.

5. The High Court of Justice in Ireland may, from time to time, make any rules which to them may seem fit for preventing any Commissioners interested or concerned as aforesaid from taking any acknowledgment under the said recited Act, anything herein contained to the contrary notwithstanding, so nevertheless that no such rule shall make invalid any acknowledgment after the certificate shall have been filed of record as aforesaid.

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[*To be substituted for Bill previously delivered.*]

Acknowledgment of Deeds by Married Women (Ireland).

A

B I L L

To remove doubts concerning the due Acknowledgment of Deeds by Married Women in Ireland in certain cases.

(*Prepared and brought in by Mr. Meldon and Mr. O'Shaughnessy.*)

Ordered, by The House of Commons, *to be Printed*, 9 *May* 1878.

[Bill 173.]

Under 1 *oz.*

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A

BILL

TO

Facilitate improvements in the Organisation of the Admiralty and War Office by the retirement of Clerks from certain of the Civil Departments thereof. A.D. 1878.

WHEREAS by an order of Her Majesty the Queen in Council, dated the twelfth day of February one thousand eight hundred and seventy-six, a lower division of clerks in the permanent Civil Service of the State was constituted, and it was further ordered therein that no department throughout Her Majesty's Civil Service should be permanently increased or regulated afresh without providing for the introduction of a system whereby such of its duties as were of a suitable character should be performed by members of such lower division:

And whereas it has become necessary to regulate afresh certain civil departments of the Admiralty and of the Secretary of State for War, and in making such regulation regard has been had to the requirements of the said order with respect to the introduction of clerks of the lower division, and an immediate reduction has thereby been effected in the expense of the said departments:

And whereas the introduction of such clerks as last aforesaid involves a considerable reduction in the existing staff of clerks; and with a view to bring the new regulation into effect with the least possible delay, it is expedient that exceptional facilities should be given for the retirement of such members of the said departments as the Commissioners of the Admiralty and the Secretary of State for War may select for that purpose:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Award of Gratuities.

1. *The Commissioners of Her Majesty's Treasury may at any time or times before the thirty-first day of March one thousand eight* Power to pay gratuities to re-

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A.D. 1878.

Retiring clerks in the Admiralty and War Office.

hundred and eighty, but not after that date, by warrant under the hands of any two of the Commissioners, addressed to the Commissioners for the Reduction of the National Debt, authorise the payment to such clerks of the departments of the Admiralty and of the Secretary of State for War respectively as may be in the said warrant named of the several sums therein set opposite their names, and therein stated to have been awarded to them by the Commissioners of the Treasury as special gratuities on their retirement or removal from office in pursuance of the regulation of the departments to which they respectively belong.

Limitation of amount of gratuity.

2. A gratuity awarded under this Act to any clerk shall be estimated according to the period during which such clerk has served in a qualifying class as defined by this section, and shall be limited as follows, that is to say, it shall not exceed in the whole the sum of *one thousand pounds*, and it shall not exceed the sum of *fifty pounds for each year*, and a proportionate part for any portion of a year during which such clerk has served in a qualifying class up to the date of the warrant in which his name is contained.

A qualifying class, for the purposes of this section, means either a class of which the maximum salary did not exceed at any time before the thirty-first day of March one thousand eight hundred and seventy-eight *four hundred pounds a year*, with the possibility of further promotion, or a class of which the maximum salary does not exceed *four hundred and fifty pounds a year*, accepted in discharge of all claims for further promotion.

Certificate of retirement from service.

3. The name of a clerk shall not be included in any warrant under this Act unless there has been previously given in respect of such clerk a certificate by the Commissioners of the Admiralty or by the Secretary of State for War, as the case may require, that such person has actually and finally retired from the Civil Service of Her Majesty.

Gratuities to be in addition to ordinary superannuation allowance.

4. The gratuities to be awarded in pursuance of this Act shall be in addition and without prejudice to the annual allowances by way of compensation which it is lawful for the Commissioners of the Treasury to grant to any person retiring or removed from the public service under the Superannuation Act, 1859, or otherwise; provided nevertheless, that if the annual allowance, which might be granted under that Act to any person retiring for the purposes of this Act, shall be less than one half of his salary at the date of his retirement, not being later than the thirty-first day of March one thousand eight hundred and eighty, the annual allowance to be granted to him may, if the Commissioners of the Treasury see fit, be increased to *one half* of such salary.

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5. A copy of every warrant made in pursuance of this Act shall be laid as soon as practicable before both Houses of Parliament, if Parliament is then in session, and if not, then as soon as practicable after the beginning of the then next session of Parliament.

Copies of warrant to be laid before Parliament.

Financial Provisions.

6. The Commissioners for the Reduction of the National Debt may pay the amounts awarded as gratuities in pursuance of this Act out of any funds for the time being in their hands under the authority of the Act of the session of the twenty-fourth year of the reign of Her present Majesty, chapter fourteen, and the Act of the session of the twenty-sixth and twenty-seventh years of the same reign, chapter eighty-seven, or either of such Acts.

Payment to be made by Commissioners of the National Debt.

7. An account shall be made up annually of the amount paid by the Commissioners for the Reduction of the National Debt in respect of gratuities under this Act, and a terminable annuity shall be annually paid *out of the votes of Parliament* for the navy as respects the retiring clerks who belong to the Admiralty, and for the army as respects the retiring clerks who belong to the department of the Secretary of State for War, to the Commissioners for the Reduction of the National Debt of an amount sufficient to repay to the said Commissioners, at the expiration of ten years, the amount advanced by them, together with interest thereon at a rate of not less than *three and a half per centum per annum;* and the amount of the annuity payable in pursuance of such warrants shall be notified by a certificate under the hand of the actuary of the National Debt Office, in the case of a clerk of the Admiralty to the Admiralty, and in the case of a clerk of the department of the Secretary of State for War to the Secretary of State for War.

Moneys paid for gratuities to be repaid by annuities.

8. *If at any time it appear desirable to the Treasury and to the Commissioners for the Reduction of the National Debt, having regard to the funds out of which the said Commissioners are authorised by this Act to pay the amounts awarded as gratuities, that an issue in money should be made out of the Consolidated Fund in repayment of advances made from such funds, the Treasury may, upon a certificate to that effect under the hands of the Comptroller-General or Assistant Comptroller, acting under the Commissioners for the Reduction of the National Debt, issue to the said Commissioners out of the Consolidated Fund, or the growing produce thereof, such sum as may be named in such certificate.*

Consolidated Fund to repay advances to Commissioners if necessary.

9. *When an issue has been made as aforesaid out of the Consolidated Fund in repayment of advances made by the Commis-*

Annuities to be applied

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A.D. 1878.

to repay issues from the Consolidated Fund.

sioners for the Reduction of the National Debt under this Act, the actuary of the National Debt Office shall certify to the said Commissioners the annual amount which should be applied for a term of years to be fixed by the Commissioners, with the assent of the Treasury, as the equivalent value of the amount so repaid to the said Commissioners, and the said Commissioners shall annually apply the amount so certified, for the fixed term of years, out of the moneys to be paid to them from year to year in respect of gratuities paid by them under this Act, to the purchase and cancelling of perpetual or other annuities, exchequer bills, bonds, bank advances, or other descriptions of debt, chargeable upon the Consolidated Fund, and the said actuary shall take the rate of interest at which the annual payments are to be made to the said Commissioners under this Act as the basis upon which the amount of the annual payments so to be applied are to be valued.

Definition of clerk.

10. The word "clerk" in this Act means any person, whether holding office under that or under any higher title, in the said civil departments of the War Office or Admiralty who is paid his remuneration out of moneys provided by Parliament for supply services, and to whom the Commissioners of the Treasury may, in the exercise of their discretion, consider this Act is applicable.

Saving clause.

11. Nothing in this Act shall be held to authorise any person or class of persons to claim as a right any gratuity under this Act, nor to claim any pension, except as is provided for the amount thereof in the fourth section of this Act, otherwise than is provided in the said Superannuation Act of 1859.

Short title of Act.

12. This Act may be cited for all purposes as the Admiralty and War Office Regulation Act, 1878.

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Admiralty and War Office (Retirement of Officers).

A

B I L L

To facilitate improvements in the Organisation of the Admiralty and War Office by the retirement of Clerks from certain of the Civil Departments thereof.

(*Prepared and brought in by Sir Henry Selwin-Ibbetson, Colonel Stanley, and Mr. William Henry Smith.*)

Ordered, by The House of Commons, *to be Printed*, 9 *May* 1878.

[Bill 169.]

Under 1*oz.*

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A

B I L L

TO

Amend the Adulteration of Seeds Act, 1869. A.D. 1878.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as "The Adulteration of Seeds Act, 1878," and shall be construed as one with "The Adulteration of Seeds Act, 1869," and together with that Act may be cited as "The Adulteration of Seeds Acts, 1869 and 1878."

Amendment of Act of 1869.

2. *From and after the passing of this Act,* section 2 of "The Adulteration of Seeds Act, 1869," shall be read as if, instead of the words, "The term 'to dye seeds' means to give to seeds by any "process of colouring, dyeing, sulphur smoking, or other artificial "means the appearance of seeds of another kind," there were therein inserted the words, "The term 'to dye seeds' means to "apply to seeds any process of colouring, dyeing, or sulphur "smoking."

[Bill 139.]

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Adulteration of Seeds Act (1869) Amendment.

A

B I L L

To amend the Adulteration of Seeds Act, 1869.

(Prepared and brought in by Mr. Clare Read, Sir William Earle Welby-Gregory, and Mr. Butt.

Ordered, by The House of Commons, *to be Printed,* 1 *April* 1878.

[Bill 139.]

Under 1 *oz.*

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Agricultural Tenants (Security for Improvements) Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title.
2. Limit of Act.
3. Specifies holdings to which Act is not applicable.
4. General definitions.
5. Improvement notices to be served on landlord.
6. The landlord may object in certain cases.
7. The landlord may require a cost estimate and offer to advance three fourths thereof.
8. Provides compensation for improvements and unexhausted manures.
9. Landlord to be entitled to compensation for dilapidations and deterioration.
10. Notice to be given of claim for compensation.
11. All differences to be settled by arbitration.
12. Considerations in fixing compensation for improvements.
13. Considerations in fixing compensation for dilapidations or deterioration.
14. Considerations in fixing compensation for unexhausted manures.
15. Claims which may be placed against compensation.
16. Powers for recovering compensation.
17. Provides twelve months notice to yearly tenants.
18. Powers to landlords to charge estates for compensation.
19. General saving of rights.

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B I L L

TO

Provide Security to Agricultural Tenants for certain Improvements effected by them on their Holdings. A.D. 1878.

WHEREAS it is expedient to make provision for securing to agricultural tenants compensation for the improvements effected by them on their holdings:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Agricultural Tenants Improvement Act, 1878.

Limit of Act.

2. This Act shall not extend to Ireland.

Agricultural or pastoral holdings only subject to this Act.

3. This Act shall not apply to any holding which is not agricultural or pastoral in its character, or partly agricultural and partly pastoral, and the term "holding" shall include all land of the above character held by the same tenant of the same landlord for the same term and under the same contract of tenancy.

General definitions.

4. In this Act,

"Landlord" means a person entitled to the rent or to the possession of a holding subject to the lease thereof, and includes his or her executors, administrators, assigns, husband, guardian, curator, or committee, or trustee of the estate (as the case requires):

"Tenant" means a person holding land under a lease or agreement for a lease, or from year to year, or otherwise, taking effect either before or after the commencement of this Act, and includes his or her predecessors in title, executors, administrators, assigns, husband, guardian, curator, or committee, or trustee of the estate (as the case requires):

"Permanent improvement" means any outlay or labour effectually and properly made by a tenant under the provisions of this Act on any of the works specified in Schedule I. to this Act:

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A.D. 1878.

"Temporary improvement" means any outlay or labour effectually and properly made by a tenant under the provisions of this Act on any works specified in Schedule II. to this Act:

"Manure" means any fertilizing substance not the produce of or due to crops raised on the holding:

"Fertilizer" means the dung or the part of dung due to the consumption by live stock on the holding of corn, cake, or any feeding stuff not the produce of the holding.

The tenant must before making a permanent improvement serve a notice on the landlord.

5. To entitle a tenant to claim compensation under this Act for a permanent improvement completed after the date thereof, the tenant shall, before executing such improvement, serve on the landlord a notice (herein-after called an improvement notice) describing in a manner sufficient for identification, and specifying the character and object of the proposed improvement, and shall also, if required by the landlord, provide him with an estimate of the cost of such improvement (herein-after called a cost estimate), and if the landlord, for two months after receiving such improvement notice, fail to act in respect to such notice in any of the ways competent to him under this Act, he shall be held to approve of the improvement under such notice.

If the landlord does not reside in the county wherein the holding is situate the improvement notice may be served on his authorised agent, or on the person entitled to collect the rent of the holding, and the tenant or landlord may for the preservation of evidence cause an improvement notice or a reply thereto to be recorded by the Registrar of the County Court in England, and the Sheriff Clerk in Scotland, in a book kept for the purpose, and a copy thereof to be served in the usual manner on the tenant or landlord, as the case may be.

The landlord may object to the proposed works.

6. The landlord, on receiving a notice in respect of a permanent improvement, may object to and prevent the tenant's proposed works or outlay on the following grounds, and on no other:

That the works or outlay proposed (1) are not suitable for or will not add to the letting value of the holding; or (2) are or appear to be calculated to diminish the general value of the estate of which the holding forms part.

The landlord may demand an estimate of the cost of the proposed works and offer to pay three fourths thereof.

7. The landlord may, on receiving an improvement notice, demand of the tenant an estimate of the cost of the proposed permanent improvement, and within *two* months after receiving such estimate may offer to pay to the tenant *three fourths* of the actual cost of the improvement, but not exceeding three fourths of the cost estimate

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submitted by the tenant (such proportion being herein-after called the landlord's contribution), and the tenant may accept such offer within *two* months after receipt thereof.

The tenant may include in the cost estimate or actual cost just remuneration for any work done or material supplied by himself directly.

If the tenant declines the offer he shall have no claim for compensation.

If the tenant fail to submit a cost estimate when required, or to accept the offer of the landlord's contribution as aforesaid, no claim for compensation shall be competent under the improvement notice in respect to which such offer by the landlord has been made.

If the tenant accepts the offer he shall pay interest on landlord's contribution and maintain the improvement.

If the tenant accept as provided the offer of the landlord's contribution, the tenant shall be entitled on due and effectual completion of the works and outlay specified in the improvement notice to payment of the landlord's contribution thereto, and shall have no claim for compensation in respect of such improvement, but shall pay to the landlord during the remainder of the lease of the holding termly along with the rent of the holding and exigible by the landlord in the same manner as the rent, interest at the rate of *five* pounds per centum per annum on the amount of the landlord's contribution, and further the tenant shall keep and maintain during the currency of the lease, and leave at its termination such improvement in good order and condition, due allowance being made for fair use and natural decay and change.

Every tenant to be compensated for his permanent or temporary improvements and for unexhausted manures or fertilizers except in certain cases.

8. Every tenant on quitting his holding for any cause whatever shall be entitled to compensation under and subject to the provisions of this Act:

(1.) For any improvement, whether permanent or temporary, effected by him on his holding; or

(2.) For unexhausted benefit arising from manures or fertilizers applied by the tenant to the soil of the holding.

And any contract or agreement whereby a tenant is deprived of the right to make a claim otherwise competent to him under the provisions of this Act shall be void both at law and in equity:

Provided always, that no provision of this Act shall be held to relieve a tenant of any obligation to maintain the condition of his holding or any part thereof;

Or be held to apply to any improvement, whether permanent or temporary,

(1.) Made before the passing of this Act; or

(2.) Which the tenant has undertaken to make under his contract of tenancy, or under any special contract or agreement with the landlord; or

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(3.) In respect to which the tenant claims compensation, otherwise than under the provisions of this Act; or

(4.) Which does not add to the letting value of the holding; or

(5.) To any cottage for farm labourers, unless it be of a substantial character; or

(6.) To any permanent improvement made more than *twenty-five* years before the tenant quits the holding; or

(7.) To any temporary improvement made more than *seven* years before the tenant quits the holding; or]

(8.) To any manure or fertilizer applied more than *three* years before the tenant quits the holding.

A landlord to be entitled to claim compensation from a tenant for dilapidations or deterioration of holding.

9. A landlord may at any time during the occupancy of a tenant call upon him in writing to make good any dilapidations of buildings, structures, drains, watercourses, fences, or roads, the property of the landlord, and handed over to the tenant in good order and repair; and also to make good any deterioration of the soil due to defective husbandry, tillage, or manuring; and if the tenant fail to make good within a reasonable time such dilapidations or deterioration (all as determined in need by arbitration as hereinafter provided), the landlord shall be entitled to terminate the tenancy at the next term thereafter corresponding to the term of entry, and also to claim compensation in respect of such dilapidation and deterioration.

A tenant claiming compensation to serve a notice on his landlord.

10. A tenant claiming compensation under this Act shall serve on the landlord or his agent a notice stating the particulars of his claim, and such notice shall, in the case of permanent improvements, be served at least *six* months, and in case of temporary improvements at least *three* months, before the termination of the occupancy.

Any difference between landlord and tenant to be determined by arbitration.

11. If a difference arise between a landlord and his tenant in respect to any provisions, matter, or thing contained in sections 5, 6, 7, 8, 9, 10 of this Act, the difference shall be determined by arbitration in manner appearing in Schedule III. to this Act.

A claim may be amended.

Any error or omission in a claim made under this Act may, on application for that purpose to the arbitrators, but not later than *seven* days before the termination of the occupancy, be amended or supplied.

No award to be invalid for error in form only.

No award of the arbitrators shall, so far as relates to the matter referred to them under this Act, be held to be invalid by reason of the violation of or non-compliance with any technical rule of law respecting awards when such award substantially decides the matter so referred.

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The costs of and attending every arbitration shall be borne by such one of the parties, or by the parties, in such proportion as the arbitrators may deem just, having regard to the reasonableness or otherwise of the claim made, and to all the circumstances of the case.

The arbitration costs to be awarded by arbitrators.

12. In determining the compensation in respect of an improvement there shall be taken into consideration—

Considerations in determining the compensation for an improvement.

(1.) The cost of the improvement;

(2.) The benefit derived by the tenant from the improvement, and any benefit which the tenant may have received from the landlord in express consideration of making such improvement; and

(3.) The increase in the letting value of the holding due to the improvement;

and such sum awarded as in the circumstances is deemed just; but the compensation shall not exceed, in the case of a permanent improvement, *fifteen* times, and, in the case of a temporary improvement, *five* times the amount of the annual increase of the value of the holding due to such improvements respectively.

13. In determining the amount of compensation in respect of dilapidations or deteriorations of a holding there shall be taken into consideration the condition of the subject in respect of which the claim is made when handed over to the tenant, and due allowance made for fair use and natural decay and change.

Considerations in determining the compensation for dilapidations and deteriorations.

14. In determining the amount of compensation in respect of unexhausted benefit arising from manures or fertilizers, there shall be taken into consideration for the purpose of increasing or decreasing, as seems just, the estimate of such unexhausted benefit.—

Considerations in determining the compensation for unexhausted manures and fertilizers.

(1.) The cost, nature, and suitability of the manure or fertilizer applied;

(2.) The description of crops raised on the land manured therewith, and the crops removed off or not consumed on the holding during the period for which such unexhausted benefit is claimed;

and such sum awarded as in the circumstances seems just, but not exceeding the average annual expenditure in manures and fertilizers made by the tenant during the period over which compensation is claimed; no fertilizer shall be valued at more than *one third* of the cost of the substance by the consumption whereof it was produced.

No compensation shall be awarded under this Act in respect of fertilizers contained in farmyard manure not applied to the soil, and for which the tenant is otherwise compensated.

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Deductions from compensation.

15. The landlord may set off against any amount payable to a tenant for compensation under this Act,

(1.) Any rent due or accruing due in respect of the holding from the tenant:

(2.) Any rates, taxes, and tithe rentcharge due or accruing due in respect of the holding payable by the tenant:

(3.) Any sum payable by the tenant in respect of dilapidation on or deterioration of the holding, or any part thereof:

(4.) Any sum chargeable against the tenant in respect of failure by him to properly maintain, or to deliver over in proper repair and condition, any permanent improvement for which he has been paid the landlord's contribution.

Powers for recovering compensation.

16. Any money agreed on or awarded as compensation or costs under this Act may, if not paid by the party liable to pay the same within *seven* days after demand, be recovered by distress of the goods of the party liable as aforesaid, and on proof to the satisfaction of any two justices in England, or of the sheriff in Scotland, of the award of the arbitrators, and of refusal or neglect to pay the sum awarded as aforesaid, such justices or sheriff shall issue their warrant accordingly. A tenant entitled to receive any money in respect of compensation under this Act shall not be compelled by process of law to quit his holding until the same is paid or secured.

Yearly tenancies terminable only on twelve months notice.

17. A notice to quit shall not, in the case of a tenant from year to year, take effect until after the expiration of a period of not less than *twelve* months from the date of the service of the notice. Any such tenancy in the absence of agreement to the contrary shall terminate on the same day of the year as such tenancy commenced.

Power for landlord to charge estate.

18. A landlord paying any money in respect of compensation, costs, or otherwise under this Act may, if he thinks fit, apply to the Inclosure Commissioners for an order charging the holding with an annuity in respect of that payment.

The Commissioners, on being satisfied of the payment, shall charge the holding accordingly.

The annuity shall be limited in favour of the landlord, and shall be of the amount of *five* pounds for every *one hundred* pounds of the sum paid, and so in proportion for any less sum, and shall be payable for a term of *forty* years on the anniversary of the date of the order.

Provided that where the landlord is tenant for life only or for other limited estate, or where a corporation or trustees or commis-

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sioners are the landlord, the Commissioners shall not make such an order unless and until the prescribed notice of the landlord's application for the order is served on the person entitled to the first estate of inheritance, if any, expectant on the determination of the landlord's estate or on her or his husband, guardian, curator.

General saving of rights.

19. Except as in this Act is expressly provided, nothing in this Act shall take away, abridge, or prejudicially affect any power, right, or remedy of a landlord or a tenant, or other person, in respect of any contract of tenancy, or other contract, or of any improvement, dilapidation, deterioration, rent, rate, tax, tithe rentcharge, or other thing.

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SCHEDULE I.

PERMANENT IMPROVEMENTS.

Under drainage.
Fencing.
Roads.
Cottages for farm labourers.
Farm buildings, including steam power.
Reclamation of waste land.
Introduction of water to fields or farm buildings, or for farm machinery.

SCHEDULE II.

TEMPORARY IMPROVEMENTS.

Subsoiling.
Removing stones.
Surface draining.
Liming, claying, chalking, or marling.
Laying down in permanent grass.
Topsoiling for grass.
Fallowing.
The application in one season of a quantity of bones or other phosphatic manure containing not less than five hundredweights of phosphate of lime per acre.

SCHEDULE III.

ARBITRATIONS.

1. If both parties concur a single arbitrator may be appointed.
2. If the single arbitrator dies or becomes incapable to act before he has made his award, the matters referred to him shall be determined by arbitration under the provisions of this Act in the same manner as if no appointment of an arbitrator had taken place.
3. If both parties do not concur in the appointment of a single arbitrator, each party on the request of the other party shall appoint an arbitrator.
4. An arbitrator shall in all cases be appointed in writing, and the delivery of an appointment to an arbitrator shall be deemed a submission to arbitration on

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the part of the party by whom the same is made, and after any such appointment has been made neither party shall have power to revoke the same without the consent of the other.

5. If for the space of fourteen days after the service by one party on the other of a request made in writing to appoint an arbitrator, such last-mentioned party fails to appoint an arbitrator, then, upon such failure, the party making the request may apply to the Judge of the County Court in England, or to Sheriff in Scotland, who shall appoint such arbitrator.

6. If any arbitrator appointed by either party dies or becomes incapable to act before an award has been made, the party by whom such arbitrator was appointed may appoint some other person to act in his place, and if for the space of fourteen days after notice in writing from the other party for that purpose he fails to do so, the remaining or other arbitrator may proceed ex parte.

7. If where more than one arbitrator has been appointed, either of the arbitrators refuses, or for fourteen days neglects, to act, the other arbitrator may proceed ex parte, and the decision of such arbitrator shall be as effectual as if he had been the single arbitrator appointed by both parties.

8. If where more than one arbitrator has been appointed, and where neither of them refuses or neglects to act as aforesaid, such arbitrators fail to make their award within twenty-one days after the day on which the last of such arbitrators was appointed, or within such extended time (if any) as may have been appointed for that purpose by both such arbitrators, under their hands, the matters referred to them shall be determined by the umpire, to be appointed as hereafter mentioned.

9. Where more than one arbitrator has been appointed, the arbitrators shall, before they enter upon the matters referred to them, appoint by writing under their hands an umpire to decide on any matters on which they may differ.

10. If the umpire dies, or becomes incapable to act before he has made his award, or refuses to make his award within a reasonable time after the matter has been brought within his cognizance, the arbitrators shall forthwith after such death, incapacity, or refusal appoint another umpire in his place.

11. If in any of the cases aforesaid the said arbitrators refuse, or for fourteen days after request of either party to such arbitration neglect, to appoint an umpire, the County Court Judge or Sheriff shall, on the application of either party to such arbitration, appoint an umpire.

12. The decision of every umpire on the matters referred to him shall be final.

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Agricultural Tenants (Security for Improvements).

A

BILL

To provide Security to Agricultural Tenants for certain Improvements effected by them on their Holdings.

(*Prepared and brought in by Mr. James Barclay, Sir George Balfour, and Mr. Earp.*)

Ordered, by The House of Commons, *to be Printed*, 18 *January* 1878.

[Bill 39.]

Under 2 *oz.*

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Ancient Monuments Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Definitions.
2. Appointment of Commissioners.
3. Mode of applying Act to certain monuments.
4. Notice to be given to Commissioners of intended injury to a monument to which this Act has been applied.
5. Owners, &c. may require Commissioners either to consent to injury, or to acquire power of restraint.
6. Appeal from Commissioners in certain cases.
7. Acquisition of monuments or of power of restraint by agreement with persons interested.
8. Penalty on persons unlawfully destroying or injuring a monument.
9. Access of Commissioners to monuments.
10. Proceedings for ascertaining and paying compensation.
11. Treasury may authorise expenses.
12. Expenses of the Commission.
13. Reports on monuments.
14. Service of notices.
15. Provision for defining the site of a monument.
16. Transfer of a monument to a local authority.
17. Provision as to public works.
18. Saving of informalities.
19. Saving of the Duchy of Cornwall.
20. Short title.

SCHEDULES.

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A

BILL

TO

Provide for the Protection of Ancient Monuments. A.D. 1878.

WHEREAS it is expedient to make provision for the preservation of certain ancient national monuments:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Definitions.

1. In this Act, unless where the context otherwise requires, the following expressions shall respectively be construed as follows, viz.:

"The Commissioners" means the Commissioners acting under the provisions of this Act:

"The Treasury" means the Commissioners of Her Majesty's Treasury, or any one or more of them:

"Monument" includes the site of a monument and any part of a monument or of the site thereof.

"Injure" and "Injury" include the destroying, removing, defacing, altering, covering up, building on, undermining, so as in any manner permanently or temporarily to damage or endanger the safety or stability of a monument or any part thereof, or any marks thereon:

"Person" includes a corporation.

Appointment of Commissioners.

2. There shall be a Commission for the purposes of this Act.

The Commissioners shall be the Inclosure Commissioners for England and Wales,—

2. The following nominated Commissioners: The Most Noble the Duke of Devonshire, the Most Noble the Duke of Argyll, the Right Honourable Lord Talbot de Malahide, Sir Richard Wallace, Baronet, Dr. Samuel Ferguson, of the

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A.D. 1878.

Royal Irish Academy, Augustus Lane Fox, Esquire, John Evans, Esquire, of Nash Mills, Hemel Hempstead, Augustus Wollaston Franks, Esq., of the British Museum, and Dr. Arthur Mitchell, LL.D., who shall be the first nominated Commissioners for the purposes of this Act. In case any of the nominated Commissioners dies, resigns, or declines to act, or becomes incapable of acting, it shall be lawful for Her Majesty, from time to time, under her sign manual, to appoint another person to be a Commissioner in his room.

The Commissioners shall be a corporation under the style of the "National Monuments Commission," with perpetual succession and a common seal, and with capacity to take and hold lands for the purposes of this Act without license in mortmain.

Five of the Commissioners shall be a quorum.

Mode of applying Act to certain monuments.

3. The following provisions shall have effect with respect to the application of this Act to monuments; (viz.)

1. This Act may be applied by the Commissioners to the several monuments specified in the first schedule to this Act:
2. This Act may, subject to appeal in the manner herein-after in this Act provided, be applied by the Commissioners to any British, Celtic, Roman, Danish, or Saxon remains, which, in the opinion of the Commissioners, are of sufficient public interest to be worthy of preservation, and which are not situate in any park, garden, or pleasure ground:
3. This Act shall be applied in the case of any monument as aforesaid by serving a notice, according to the form prescribed in the second schedule to this Act, viz., on
    1. The occupier or occupiers of the site of the monument; and
    2. The person or persons (if any) to whom rent is paid by the occupier or occupiers of the site in respect of his or their occupation; and
    3. The clerk or clerks of the peace, or sheriff clerk or clerks for the county or counties in which the monument or any part thereof is situate.

Notices to be given to Commissioners of intended injury to a monument to which

4. When this Act has been applied to a monument it shall not be lawful for any person to injure or to permit injury to the monument unless with the consent of the Commissioners, or upon default made by them in acquiring, upon requisition made in the manner herein-after in this Act mentioned, the monument or a power to restrain the exercise of ownership so far as relates to

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so injuring or permitting injury to the monument (which power is herein-after in this Act referred to as a "power of restraint"). If any person who, but for this prohibition, might lawfully have injured or permitted the injury of a monument or part of a monument acts in contravention of this prohibition, a power of restraint in respect of the monument or part for the purposes of this Act shall, upon such injury being begun, or permission to do it being given, vest in the Commissioners for so long as the estate, interest, or occupation of such person continues.

this Act has been applied.

5. A person who but for this Act might lawfully deal with a monument or part of a monument to which this Act has been applied, by injuring or permitting injury to it, may at any time serve on the Commissioners a requisition in the form contained in the second schedule to this Act, or in such form as may be prescribed by the Commissioners, stating that he proposes to deal with the monument in a manner described in the requisition, and requiring them either to consent to his so dealing with it, or to purchase the monument, or (as the case may be) such part thereof, or a power of restraint in respect of it, for the purposes of this Act; and thereupon the Commissioners shall within *three months* from the receipt of the requisition either give him the required consent, or agree to purchase the monument (or part), or such power according to his requisition.

Owners, &c. may require Commissioners either to consent to injury, or to acquire power of restraint.

If the person making the requisition is or acts with the consent of a person entitled in possession in fee simple, or in tail, or as heir of entail in possession, or for life or for a life or lives, or for a term of years, of which not less than fifty are unexpired, it shall be at his election to require the Commissioners to acquire either the monument (or part) or a power of restraint in respect of it, but in any other case he shall not be entitled to require the Commissioners to acquire, nor shall they under the provisions of this section acquire, the monument (or part), but only a power of restraint in respect of it for the term of the person's estate, interest, or occupation.

In case the Commissioners do not within *three months* from the receipt of the requisition signify that they agree to purchase the monument (or part) or power of restraint, as the case may be, they shall be deemed to have given their consent to the monument being dealt with in the proposed manner.

6. Any person who is aggrieved by the application of this Act to a monument, or by a refusal by the Commissioners to consent

Appeal from Commissioners in certain cases.

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A.D. 1878.

to a proposed injury to a monument, may at any time within *three months* from such application or refusal, appeal to the court as herein-after in this section defined; and the court may hear and finally determine the appeal in a summary way, and may confirm, annul, or vary the acts or determinations of the Commissioners, with or without any conditions, and upon such terms as to costs and otherwise, as the court thinks just.

An appeal shall be commenced by serving on the Commissioners a notice of appeal, together with a summons, citation, or other process of the court, requiring the Commissioners to appear by themselves or their agents at a time and place specified in the summons, citation, or process. The notice of appeal shall state the matter by which the appellant is aggrieved, and the substance of the order which he desires the court to make.

The court may adjourn the hearing of an appeal from time to time at its discretion, and may, if it thinks fit, in case either of the parties fails to appear at the time and place appointed for the hearing, proceed and finally determine the matter of the appeal ex parte.

The court, for the purposes of this section, shall be as follows; viz.,—

(1). In the case of a monument situate in England, one of the divisions of the High Court of Justice in England, or of a judge thereof:

(2.) In the case of a monument situate in Scotland, the Court of Session or a judge thereof:

(3.) In the case of a monument situate in Ireland, one of the superior courts of law or equity in Ireland, or a judge thereof.

Any of the judges herein-before mentioned may act for all the purposes of this section either in chambers or on circuit, or at such place and time, whether in term or in vacation, as he may appoint.

Acquisition of monuments or of powers of restraint, by agreement with persons interested.

7. The Commissioners at any time may acquire, by agreement with the persons entitled or interested,

1. A freehold or other estate in any monument of the character herein-before mentioned; and
2. Such rights of way as may be necessary for the access of the public to any such monument; and
3. Powers of restraint in respect of any such monument;

Or any of such estates, rights, or powers:

And they may also accept a conveyance, appointment, settlement, or devise of any such monument with its site, or of any right of way to or powers of restraint over any such monument, or of moneys for the purchase of any such monument, and such a conveyance, appointment, settlement, or devise shall not be deemed to be made to or for a charitable use within the meaning of the Acts relating to charitable uses.

For the purposes of this section the word "site" shall include any area surrounded by any parts of a monument, and any land adjoining the monument.

Penalty on persons unlawfully destroying or injuring a monument.

8. Where a monument or a power of restraint in respect of it is vested in the Commissioners, if any person (whether or not he has any estate or interest in the site thereof) unlawfully and wilfully, without the consent of the Commissioners in writing, injures the monument, or injures or removes any fence by which it is protected, or any notice lawfully affixed on or near the monument by or with the consent of the Commissioners, he shall be guilty of an offence against this Act, and shall, on conviction thereof, as well in Scotland as in other parts of the United Kingdom, be subject to the penalties and liabilities provided by the fifty-second section of the Act of the twenty-fourth and twenty-fifth of Her Majesty, chapter ninety-seven, with respect to malicious injuries: Provided that in Scotland any such offence shall not be cognisable by one justice of the peace, but may be prosecuted before a sheriff, or two justices of the peace, sitting as judges in a justice of the peace court, under the provisions of the Summary Procedure Act, 1864.

Access of Commissioners to monuments.

9. When a power of restraint in respect of a monument is vested in the Commissioners by agreement or purchase, or under any conveyance, appointment, settlement, or devise, they or any of them, or any person authorised in writing by any of them, may enter upon and inspect the monument and all parts thereof.

Proceedings for ascertaining and paying compensation.

10. For the purpose of ascertaining and paying compensation in respect of the acquisition by the Commissioners of a monument or of powers of restraint over a monument the following provisions of the Defence Act, 1860, viz., sections seven to eighteen, twenty to twenty-nine, thirty-six to thirty-nine, forty-three, forty-four, and forty-seven (all inclusive), shall apply, mutatis mutandis, throughout the United Kingdom with the modifications herein-after in this section mentioned.

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The said parts of the said Act shall in their application for the purposes of this Act be construed with the following modifications; viz.,—

1. Expressions referring to a Secretary of State shall be construed to refer to the Commissioners:
2. Expressions referring to restraints on rights of building or other rights of ownership shall be construed to refer to powers of restraint within the meaning of this Act:
3. For the declaration and map or plan to be made, deposited, or affixed under the provisions of the said Act there shall be substituted a plan showing the bounds or limits of the site of the monument and rights of way (if any) to which the proceedings relate, to be served with the notices on the respective owners, lessees, occupiers, or other persons:
4. In the said Act in its application to Scotland, "feoffee" shall mean a disponee infeft; "tenant in tail" shall mean heir of entail in possession; "feme covert" shall mean a married woman; "committee" shall mean and include a tutor dative, a curator bonis, and a judicial factor; "mesne profits" shall mean interim profits; "misdemeanor" shall mean a crime and offence; "The Lands Clauses Consolidation Act, 1845," shall mean the Lands Clauses Consolidation (Scotland) Act, 1845; and words referring to any court and the officers thereof shall mean the Court of Session and the principal Clerks of Session.

Upon payment by the Commissioners of the purchase money or compensation payable in respect of any monument or part of a monument, or in respect of a power of restraint, such monument or part, or such power (as the case may be), shall vest in them absolutely as against all persons whatsoever, without any conveyance or deed.

Treasury may authorise expenses

11. The Commissioners may employ such persons and incur such expenses for the purposes of this Act as the Treasury may allow.

Expenses of the Commission.

12. *All expenses incurred by the Commissioners for the purposes and in pursuance of the provisions of this Act shall be paid by the Treasury out of moneys to be provided by Parliament for this purpose.*

Reports on monuments.

13. The Commissioners shall report annually to Parliament as to the condition of the monuments vested in them or in respect of which they have powers of restraint.

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Service of notices.

14. Notices to be served by the Commissioners shall be served in the manner prescribed by the Defence Act, 1860, for the service of notices by a Secretary of State. Notices or requisitions to be served on the Commissioners shall be served by letter addressed to the Inclosure Commissioners in London, and registered according to the regulations for the time being in force for the registration of letters at post offices in the United Kingdom. Any justice of the peace having jurisdiction at a place where any part of a monument is situate, upon being satisfied that all reasonable endeavours have been made to serve any notice which is to be served under the provisions of this Act, and that the person on whom it is required to be served cannot be found, or is absent from the United Kingdom, or that for any other reason the notice cannot be served upon him, may, by order under his hand, direct the notice to be served on such person as the justice may direct; and any notice served in the manner directed by such justice shall be deemed to have been served on the person on whom it is required by this Act to be served.

Provision for defining the site of a monument.

15. The Commissioners shall in the notice by which this Act is applied to a monument define the site thereof for the purposes of this Act, and the site as so defined shall be deemed to be the site of the monument; but it shall not be lawful for the Commissioners, by virtue of this section, to include in the site of a monument any land which is not within *fifty yards* of some part of the monument, except with the written consent of the person or persons whose consent is by the seventh section of this Act required to the application of the Act to a monument of whatsoever kind and wheresoever situated. The Commission may from time to time, by notice, vary such definition; provided always, that such varied definition shall not extend the space originally determined as such site.

Transfer of a monument to a local authority.

16. The Commissioners may from time to time if they think fit, and upon such terms as they think fit, transfer any monument which is vested in them, or any power of restraint which is vested in them, to any local authority of a borough, burgh, district, or place in or near which the monument is situate; and thereupon such local authority shall in respect of the monument or power transferred to them, and subject to any terms or conditions of the transfer, be substituted for and have all the powers and duties of the Commissioners under this Act; and the provisions of this Act with respect to offences against this Act shall have effect as if the local authority were mentioned in this Act instead of the Commissioners.

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A.D. 1878.

A transfer under the provisions of this section shall be made in such form as the Commissioners may from time to time determine, and it may provide for the re-vesting of the monument or power in the Commissioners upon the happening of any event or upon any default being made by the local authority.

For the purposes of this section "local authority" includes a town council, local board, trustees, commissioners, or other corporation or body of persons having powers under any general or special Act to levy any rate or assessment for improving, cleansing, or paving any borough, burgh, district, or place.

Provision as to public works.

17. When any corporation, commissioners, trustees, board, authority, or persons in the execution of any authority or power vested in or to be executed by them for the public benefit, whether by virtue of any general provisions of an Act of Parliament, or of a charter, or of prescription or otherwise, propose to injure a monument to which this Act has been applied or a power of restraint in respect of which is vested in the Commissioners, they shall, *six weeks* at least before so doing, serve a notice in writing on the Commissioners specifying the nature of the proposed injury; and it shall be lawful in the case of a monument situate in England or Scotland for one of Her Majesty's Principal Secretaries of State, and in Ireland for the Lord Lieutenant, upon application by the Commissioners, to inquire concerning the nature and necessity of the proposed injury, and at his discretion, by order in writing under his hand, to prohibit the injury, either altogether or as to any part of the monument; and if any person, in a case to which this section applies, injures or directs injury to be done to a monument without having given such notice, or in contravention of such prohibition, the injury shall, for the purposes of this Act as to penalties and as to repayment of expenses of repairing the monument, be deemed to have been unlawfully done by such person.

Saving of informalities.

18. No proceeding of the Commissioners shall be invalidated by any vacancy or vacancies in the Commission, or by any error, omission, or informality in their appointment, or in affixing their seal, or in the mode of holding a meeting, or transacting business thereat, or by any misdescription or omission, in any notice, form, or document, or in the first schedule to this Act, of the county, parish, barony, or place in which a monument or any part thereof is situate, or in the name or description of any monument, or by any error or informality which in the opinion of the court before whom the proceeding is in question was not material for the matter in reference to which it is questioned.

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The Commissioners may at their discretion substitute for the form of requisition contained in the second schedule to this Act such other form as they may think fit. A.D. 1878.

19. This Act shall not be applied to any monument situate on land held in right of the Duchy of Cornwall, without the consent of the Duke of Cornwall for the time being. Saving of Duchy of Cornwall.

20. This Act may be cited for all purposes as the "National Monuments Preservation Act, 1878." Short title.

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A.D. 1878.

SCHEDULES.

SCHEDULE I.

ENGLAND AND WALES.

—	County.	Parish.
The tumulus and dolmen, Plas Newydd, Anglesea.	*Anglesea*	*Llandedwen.*
The tumulus known as Wayland Smith's Forge.	*Berkshire*	*Ashbury.*
Uffington Castle	,,	*Uffington.*
The stone circle known as Long Meg and her Daughters, near Penrith.	*Cumberland*	*Addingham.*
The stone circle on Castle Rigg, near Keswick.	,,	*Crosthwaite.*
The stone circles on Burn Moor	,,	*St. Bees.*
The stone circle known as The Nine Ladies, Stanton Moor.	*Derbyshire*	*Bakewell.*
The tumulus known as Arborlow	,,	,,
Hob Hurst's House and Hut, Bastow Moor.	,,	,,
Minning Low	,,	*Brassington.*
Arthur's Quoit, Gower	*Glamorganshire*	*Llanridian.*
The tumulus at Uley	*Gloucestershire*	*Uley.*
Kits Coty House	*Kent*	*Aylesford.*
Danes Camp	*Northamptonshire*	*Hardingstone.*
Castle Dykes	,,	*Farthingston.*
The Rollrich Stones	*Oxfordshire*	*Little Rollright.*
The ancient stones at Stanton Drew	*Somersetshire*	*Stanton Drew.*
The chambered tumulus at Stoney Littleton, Wellow.	,,	*Wellow.*
Cadbury Castle	,,	*South Cadbury.*
Cæsar's Camp	*Surrey*	*Wimbledon.*
Mayborough, near Penrith	*Westmoreland*	*Barton.*
Arthur's Round Table, Penrith	,,	,,
The group of stones known as Stonehenge	*Wiltshire*	*Amesbury.*
Old Sarum	,,	—
The vallum at Abury, the Sarcen stones within the same, those along the Kennet Road, and the group between Abury and Beckhampton.	,,	*Abury.*
The long barrow at West Kennet, near Marlborough.	,,	*West Kennet.*
Silbury Hill	,,	*Abury.*
The dolmen (Devil's Den), near Marlborough.	,,	*Fyfield.*
Barbury Castle	,,	*Ogbourne, St. Andrews, and Swindon.*

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SCOTLAND.

		County.	Parish.
	The Bass of Inverury - -	*Aberdeenshire* -	*Inverurie.*
	The vitrified fort on the Hill of Noath	„ -	*Rhynie.*
5	*The pillar and stone at Newton-in-the-Garioch.*	„ -	*Culsalmond.*
	The circular walled structures called "Edin's Hall," on Cockburn Law.	*Berwickshire* -	*Dunse.*
	The British walled settlement enclosing	„ -	*Lauder.*
10	*huts at Harefaulds in Lauderdale.*		
	The Dun of Dornadilla - -	*Sutherlandshire* -	*Durness.*
	The sculptured stone called Suenos Stone, near Forres.	*Elgin* - -	*Rafford.*
	The cross slab, with inscription, in the	*Forfarshire* - -	*St. Vigeans.*
15	*churchyard of St. Vigeans.*		
	The British forts, on the hills, called "The Black and White Catherthuns."	„ - -	*Menmuir.*
	A group of remains and pillars, on a haugh at Clava on the banks of the	*Inverness* - -	*Croy and Dalcross.*
20	*Nairn.*		
	The Pictish Towers at Glenelg - -	„ - -	*Glenelg.*
	The Cairns, with chambers and galleries partially dilapidated.	*Kirkcudbrightshire*	*Minnigaff.*
	The Catstane, an inscribed pillar -	*Linlithgow* -	*Kirkliston.*
25	*The Ring of Brogar and other stone pillars at Stennis in Orkney, and the neighbouring pillars.*	*Orkney* - -	*Firth and Stennis.*
	The Chambered mound of Maeshowe -	„ - -	„
	The stones of Callernish - -	*Ross* - -	*Uig.*
30	*The Burgh of Clickanim* - -	*Shetland* - -	*Sound.*
	The Pictish tower at Mousa in Shetland	„ - -	*Dunrossness.*
	The inscribed slab standing on the road-side leading from Wigton to Whithorn and about a mile from Whithorn.	*Wigtonshire* -	*Whithorn.*
35	*Two stones, with incised crosses, on a mound in a field at Laggangairn.*	„ - -	*New Luce.*
	The pillars at Kirkmadrine - -	„ - -	*Stoneykirk.*

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A.D. 1878.

IRELAND.

——	County.	Parish.	Barony.
The earthen enclosure and mounds called the Navan Fort.	*Armagh* -	*Eglish* -	*Armagh.*
Stone monuments and groups of sepulchral cists in Glen Maulin.	*Donegal* -	*Glencolumbkille*	*Banagh.*
The earthen inclosure and Cromlech called the Giant's Ring near Ballylessan.	*Down* -	*Drumbo* -	*Upper Castlereagh.*
The earthen fort at Downpatrick (Dunkeltair).	„ -	*Downpatrick*	*Lecale.*
Stone structures called Dun Angus, Dun Onaght, Dun Eochail, and Dubh Cahir.	*Galway* -	*Inismore* -	*Aran.*
Stone structure called Dun Conor -	„ -	*Inismaan* -	„
Stone structure called Staigue Fort	*Kerry* -	*Kilcrogham* -	*Dunkerron.*
The earthen mound at Greenmount	„ -	*Kilsaran* -	*Ardee.*
The stone monument at Ballyna -	*Mayo* -	*Kilmoremoy* -	*Tyrawly.*
Cairns and stone circles at Moytura	„ -	*Cong* -	*Kilmaine.*
The tumuli, New Grange, Knowth and Dowth.	*Meath* -	*Monknewton and Dowth.*	*Upper Slane.*
The earthworks on the Hill of Tara	„ -	*Tara* -	*Skreen.*
The earthworks at Teltown (Taltin)	„ -	*Teltown* -	*Upper Kells.*
The earthworks at Wardstown (Tlaghta).	„ -	*Athboy* -	*Lune.*
The two central tumuli on the hills called Slieve Na Calliagh.	*Meath* -	*Loughcrew* -	*Fore.*
The Cairn at Heapstown - -	*Sligo* -	*Kilmacallan* -	*Tirerrill.*
Sepulchral remains at Carrowmore. The cairn called Miscaun Mave or Knocknarea.	„ -	*Kilmacowen* -	*Curbury.*
The cave containing Ogham inscribed stones at Drumloghan.	*Waterford*	*Stradbally* -	*Decies without Drum.*
The stone monument called the Catstone and the cemetery on the hill of Usnagh.	*Westmeath*	*Killare* -	*Rathconrath.*

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SCHEDULE II.

Form of Notice of Application of the Act to a monument.

To *A.B.* of

in pursuance of the National Monuments Preservation Act, 1874, we, the Commissioners under the said Act, hereby give notice that the said Act is applied to the Monument commonly known as the ; and that any person who destroys, removes, defaces, alters, covers up, builds on, undermines, or in any man er permanently or temporarily damages or endangers the safety or stability of the said monument or any part thereof, or any marks thereon, without our previous consent in writing, will be liable to the penalties of the said Act.

Application for our consent for any of the above purposes must be made to us by registered letter, addressed to the Inclosure Commissioners, London, and must be in the form of the annexed requisition.

The following is the description of the said monument and of its site. [*Here insert the description.*]

(Seal of the Commission.)

Dated the day of

Form of Requisition.

To the Inclosure Commissioners, London.

Requisition under the provisions of the "National Monuments Preservation Act, 1874."

1. Name and situation of monument [*here state the same, and whether the requisition relates to the whole or part of the monument*].

2. Name and address of the person making the requisition [*here state the same*].

3. By what right the person making the requisition claims to be entitled to deal with or injure the monument [*here state the nature of the right claimed, e.g.* as occupier under a lease from *A.B.* dated ; *or* as owner, *&c.*]

4. Nature of the proposed injury, or proposed manner of dealing with the monument [*here state particulars of what is proposed to be done*].

5. I hereby require the National Monuments Commissioners to consent to my dealing with the monument above described, in the manner above described, or else to purchase a power of restraint in respect of the monument [*or, as the case may be,* to purchase the monument].

Signed *C.D.*,

The day of

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Ancient Monuments.

A

BILL

To provide for the Protection of Ancient Monuments.

(*Prepared and brought in by Sir John Lubbock, Mr. Beresford Hope, Mr. Osborne Morgan, and Mr. Russell Gurney.*)

Ordered, by The House of Commons, *to be Printed*, 18 *January* 1878.

[Bill 63.]

Under 2 *oz.*

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A

B I L L

TO

Amend the Law in respect to the Polling District of Arranmore (Ireland). A.D. 1878.

WHEREAS by section eight of an Act passed in the twenty-fifth and twenty-sixth years of the reign of Her Majesty, chapter sixty-two, intituled "An Act to amend the law relating to "the duration of contested elections for counties in Ireland, and for "establishing additional places for taking the poll thereat," power was given to the Lord Lieutenant of Ireland, by and with the advice of the Privy Council in Ireland, on petition from the justices of any county in Ireland in quarter sessions assembled praying that any polling district in such county might be altered, and that any barony or half barony or any portion thereof respectively might be annexed to any other polling district, to declare that any such polling district should be so altered, and that any barony or half barony, or any portion thereof respectively, should be annexed to any other polling district:

And whereas by the Ballot Act, 1872, the above-mentioned enactment was repealed, and there is no power under the existing law to declare that any polling district in Ireland, or any portion thereof, shall be annexed to any other polling district:

And whereas it is expedient that the polling district of Arranmore, in the parish of Templecorne, barony of Boylagh, and county of Donegal, Ireland, should be annexed to the adjacent polling district of Dungloe in the same parish, barony, and county:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Arranmore Polling District Act, 1878. Short title.

[Bill 270.]

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A.D. 1878.

Polling district of Arranmore.

2. The polling district of Arranmore, in the parish of Templecorne, barony of Boylagh, and county of Donegal, Ireland, shall, *from and after the passing of this Act*, be annexed to and form part of the polling district of Dungloe in the same parish, barony, and county.

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Arranmore Polling District (Ireland).

A

BILL

To amend the Law in respect to the Polling District of Arranmore (Ireland).

(*Prepared and brought in by Sir Joseph McKenna, Marquis of Hamilton, and Mr. Charley.*)

Ordered, by The House of Commons, *to be Printed,* 22 *July* 1878.

[Bill 270.]

Under 1 *oz.*

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A

BILL

TO

Enable Grand Juries in Ireland to increase the Remuneration of Assistant County Surveyors, and for other purposes relating thereto. A.D. 1878.

WHEREAS, by certain Acts passed in the sixth and seventh years of King William IV., and the twenty-fourth and twenty-fifth years of Her present Majesty, certain provisions are made relating to the salaries of assistants to county surveyors in Ireland; and by section seven of the last-recited Act it is provided that each of such assistants shall be paid such salary, not exceeding eighty pounds per annum, as the grand jury shall direct, and the same shall be presented by the grand jury, by half-yearly instalments at each assizes:

And whereas it is expedient to make other provisions relating to the said offices, and to amend the said Act:

And whereas it is expedient that provision should be made to enable superannuation allowances to be granted by grand juries to assistant county surveyors:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title of Act.

1. This Act shall be called "The Assistant County Surveyors "Act (Ireland), 1877."

Grand jury of any county in Ireland to alter yearly salary of assistant county surveyor to any sum not exceeding 150*l.* per annum.

2. It shall be lawful for the grand jury of any county in Ireland, if they shall so think fit, at any spring assizes for such county which shall be held after the passing of this Act, to determine by resolution, in writing, that the yearly salary payable to any assistant county surveyor shall be raised to such yearly salary, not exceeding *one hundred and fifty* pounds, as the grand jury shall think fit; and the foreman of such grand jury shall endorse on the resolution

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A.D. 1878.

so passed the word "approved," and the amount of the annual salary approved, and the secretary of the grand jury shall submit the same to the next presentment sessions for the county at large for approval.

No assistant surveyor eligible to be county surveyor except he is under 45 and over 26 years of age.

3. No assistant county surveyor shall be eligible for the appointment of county surveyor who shall, at the time of such appointment, be more than *forty-five* or less than *twenty-six* years of age.

Grand jury may grant to assistant surveyor, with consent of Lord Lieutenant, such annual allowance as they think fit, not exceeding two thirds of salary; such allowance to be presented and levied as salary.

4. Any grand jury in Ireland may, if they shall so think fit, with the consent of the Lord Lieutenant or other Chief Governor of Ireland, grant to any assistant county surveyor in their service who shall become incapable of discharging the duties of his office with efficiency, by reason of permanent infirmity of mind or body, or of old age, upon his resigning, or otherwise ceasing to hold his office, such annual allowance as they may think fit, not exceeding in amount *two thirds* of the annual salary payable to such assistant at the date of his so resigning or ceasing to hold office, and such allowance shall, after the grant of the same, from time to time be presented without previous application at presentment sessions, and shall be levied and raised in like manner in every respect as if the same were the salary of such person, and as if he had continued in office.

Such allowances to be paid to or in trust for such officer, and not to be assignable nor chargeable with debts or liabilities.

5. All allowances granted under this Act shall be payable to or in trust for such officer only, and shall not be assignable for, nor chargeable with, his debts or other liabilities.

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Assistant County Surveyors (Ireland).

A

B I L L

To enable Grand Juries in Ireland to increase the Remuneration of Assistant County Surveyors, and for other purposes relating thereto.

(*Prepared and brought in by Mr. William Johnston, Mr. Downing, Mr. Chaine, Mr. Macartney, and Mr. King-Harman.*)

Ordered, by The House of Commons, *to be Printed*, 18 *January* 1878.

[Bill 51.]

Under 1 *oz.*

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A

B I L L

TO

Amend the Law of Evidence with respect to Bankers Books. A.D. 1878.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Bankers Books Evidence Act, 1878.

Repeal of Act.

2. The Bankers Books Evidence Act, 1876, shall be repealed as from the *passing of this Act*, but such repeal shall not affect anything which has been done or happened before such repeal takes effect.

Mode of proof of entries in bankers' books.

3. Subject to the provisions of this Act, a copy of any entry in a banker's book shall in all legal proceedings be received as primâ facie evidence of such entry, and of the matters, transactions, and accounts therein recorded, and a bank or any officer thereof shall not in any legal proceeding be compellable to produce any of the books of the bank except by order of a court or judge.

Provided that in any proceeding to which the bank is a party such a copy shall not be received in evidence in favour of the bank under this Act except by consent or by order of a court or judge, and on such terms, if any, as the court or judge think just.

Proof that book is a banker's book.

4. A copy of an entry in a banker's book shall not be received in evidence under this Act unless it be first proved that the book was at the time of the making of the entry one of the ordinary books of the bank, and that the entry was made in the usual and ordinary course of business, and that the book is in the custody or control of the bank.

Such proof may be given by one of the partners or officers of the bank, and may be given orally or by an affidavit sworn before any commissioner or person authorised to take affidavits.

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A.D. 1878.

Verification of copy.

5. A copy of an entry in a banker's book shall not be received in evidence under this Act unless it be further proved that the copy has been examined with the original entry and is correct.

Such proof shall be given by some person who has examined the copy with the original entry, and may be given either orally or by an affidavit sworn before any commissioner or person authorised to take affidavits.

Evidence shall be given under this Act except where otherwise ordered, and except where the bank is a party.

6. A banker or officer of a bank shall not, in any legal proceeding to which the bank is not a party, be compellable to produce in evidence any banker's book the contents of which can be proved under this Act, unless by order of a judge made for special cause; and no summons or other process shall issue or be enforced against a banker or officer of a bank to compel such production without such an order in a legal proceeding to which the bank is not a party; and default by a party to the proceeding in giving the notices required by this Act shall not be deemed to be special cause for such an order.

Court or judge may order inspection, &c.

7. On the application of any party to a legal proceeding a court or judge may order that such party be at liberty to inspect and take copies of any entries in a banker's book for any of the purposes of such proceedings. An order under this section may be made either with or without summoning the bank or any other party, and shall be served on the bank three clear days before the same is to be obeyed, unless the court or judge otherwise directs.

Costs.

8. The costs of any application to a court or judge under or for the purposes of this Act, and the costs of anything done or to be done under an order of a court or judge made under or for the purposes of this Act shall be in the discretion of the court or judge, who may order the same or any part thereof to be paid to any party by the bank, where the same have been occasioned by any default or delay on the part of the bank. Any such order against a bank may be enforced as if the bank was a party to the proceeding.

Interpretation of "bank" and "bankers books."

9. In this Act the expressions "bank" and "banker" mean any person, persons, partnership, or company carrying on the business of bankers and having duly made a return to the Commissioners of Inland Revenue, and also any savings bank certified under the Acts relating to savings banks.

It shall not be necessary to prove that a bank has made a return, or that a savings bank has been certified, as in this section mentioned, unless such proof is required by written notice by the party

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against whom the evidence is proposed to be given under this Act. Such written notice must be given to the other party *two* clear days before the day on which the evidence is proposed to be given. Where such proof is required, it may be given in the case of a savings bank by an office or examined copy of its certificate, and in the case of any other bank by production of a copy of its return verified by the affidavit of a partner or officer of the bank, or by the production of a copy of a newspaper purporting to contain a copy of such return published by the Commissioners of Inland Revenue.

Expressions in this Act relating to "bankers books" include ledgers, day books, cash books, account books, and all other books used in the ordinary business of the bank.

Interpretation of "legal proceeding," "court," "judge."

10. In this Act—

The expression "legal proceeding" means any civil or criminal proceeding or inquiry in which evidence is or may be given, and includes an arbitration;

The expression "the court" means the court, judge, arbitrator, persons, or person before whom a legal proceeding is held or taken;

The expression "a judge" means with respect to England a judge of the High Court of Justice, and with respect to Scotland a lord ordinary of the Outer House of the Court of Session, and with respect to Ireland a judge of the High Court of Justice in Ireland;

The judge of a county court may with respect to any action in such court exercise the powers of a judge under this Act.

Computation of time.

11. Sunday, Christmas Day, Good Friday, and any bank holiday shall be excluded from the computation of time under this Act.

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Bankers Books (Evidence).

A

B I L L

To amend the Law of Evidence with respect to Bankers Books.

(*Prepared and brought in by Sir John Lubbock, Mr. Herschell, Sir Charles Mills, and Mr. Rodwell.*)

Ordered, by The House of Commons, *to be Printed*, 6 *August* 1878.

[Bill 293.]

Under 1 *oz.*

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Bankruptcy Act (1869) Amendment Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title.
2. Amount of petitioning creditor's debt.
3. Appointment of receiver or manager.
4. Stay of actions.
5. Secured creditors.
6. Appointment and control of trustee.
7. Further restriction on retention of money by a trustee.
8. Charges of trustees may be taxed.
9. Statement of assets.
10. Discharge of bankrupt.
11. Status of undischarged bankrupt.
12. Declaration to be made by petitioner for liquidation, &c.
13. Majority requisite for accepting a composition.
14. Discharge in liquidation.
15. Change from liquidation to bankruptcy.
16. Failure of liquidation.
17. Change from bankruptcy to composition.
18. Notices for adjourned meetings.
19. Voluntary settlements by traders, and bills of sale.
20. Administration of estates of insolvent persons deceased.
21. Traders accounts.
22. Power to Court to review past conduct of the bankrupt.

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A

B I L L

TO

Amend the Bankruptcy Act, 1869. A.D. 1878.

WHEREAS it is expedient to amend the Bankruptcy Act, 1869: Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the "Bankruptcy Amendment Act, 1878." "The Bankruptcy Act, 1869," is in this Act referred to as the "principal Act," and the principal Act and this Act may be cited together as the "Bankruptcy Acts, 1869 and 1878."

Amount of petitioning creditor's debt.

2. The provisions of the sixth section of the principal Act relating to the amount of the debt required to be due to a petitioning creditor or creditors, or relating to acts of bankruptcy, and the provisions of the eighty-seventh section of the principal Act shall, with respect to a debtor being a trader, be construed as if *twenty pounds* were substituted for fifty pounds; and the provisions of the principal Act, as amended by this Act, with respect to the debt required to be due to a petitioning creditor shall, with respect to a debtor being a trader, include a debt growing due.

Appointment of receiver or manager.

3. When a debtor is adjudicated a bankrupt, if a receiver or manager of his property or business has not been previously appointed, the Court shall forthwith appoint such a receiver or manager, unless for special reasons the Court thinks such appointment unnecessary or inexpedient; and when a debtor presents a petition for liquidation by arrangement the Court, on the application of any creditor, may appoint a receiver or manager of the property or business of the debtor, or of any part thereof, and may direct immediate possession to be taken of the same, or any part thereof.

Stay of actions.

4. When a bankruptcy petition is hereafter presented against a debtor, or a petition for liquidation by arrangement is hereafter

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A.D. 1878.

presented by a debtor, no action against the debtor in respect of any debt provable in the bankruptcy or liquidation shall be commenced or proceeded with after the filing of the petition, unless with the leave of the Court and on such terms (if any) as the Court thinks just.

Secured creditors.

5. For all the purposes of voting under the principal Act, or under this Act expressions referring to a secured creditor shall include a creditor holding any security upon which some person other than the debtor is or may be liable, whether jointly with the debtor or separately, or as a surety or otherwise, and whether the debtor is primarily or contingently or in any other manner liable thereon, or is not liable thereon.

Whenever any security held by a creditor has been valued, and the holder thereof has voted in respect of the balance, the trustee under the bankruptcy or liquidation may require the creditor to assign such security to the trustee on payment of the amount at which the security was valued, and *ten* per cent. thereof in addition thereto, and the creditor shall assign or account for the security accordingly.

This section shall not apply to any bankruptcy or liquidation commenced before the passing of this Act.

Appointment and control of trustee.

6. In every case of bankruptcy, and also in every case of liquidation by arrangement in which a committee of inspection is appointed, all powers which under the principal Act are vested in or exerciseable by the creditors in relation to a trustee, whether as regards his appointment, removal, remuneration, or otherwise, shall be vested in and exercised by the committee of inspection, provided that—

(i.) The Court may, on the application of any creditor, remove any trustee in bankruptcy or liquidation, or make orders as to any matter to be done by any such trustee, or may on the application of any creditor require any such trustee to give security to the satisfaction of the Court for any moneys or for the performance of any duty.

(ii.) When a trustee is removed by the Court or otherwise, or resigns, or becomes incapable of acting, the Court may appoint a person to act as trustee with or without any directions or restrictions until a new trustee is appointed, and may direct such notices to be given or meetings called as the Court thinks fit for the purpose of enabling a new trustee to be appointed.

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A.D. 1878.

Nothing in this section shall authorise a committee of inspection, unless with the sanction of the creditors or of the Court, to remove a trustee appointed before the passing of this Act, or to do anything inconsistent with any contract or engagement subsisting at the passing of this Act between a trustee and the creditors.

Further restriction on retention of money by a trustee.

7. Every trustee shall forthwith pay all moneys from time to time received by him in respect of any estate into such bank as the committee of inspection direct, or if in a liquidation in which there is no committee of inspection, then as the creditors or the Court direct, to the separate credit of the estate in respect of which such moneys are received. If a trustee in a liquidation by arrangement in which there is no committee of inspection, without the express sanction of the Court, wilfully retains or pays any money exceeding the total sum of *ten pounds* contrary to this enactment, he shall be liable to be removed by the Court on application of any creditor.

Charges of trustees may be taxed.

8. The accounts of every trustee in bankruptcy or liquidation shall be examined, and his charges under this Act or otherwise may be taxed at the prescribed time or times, and in the prescribed manner, and by the prescribed officer or person; and where any of the charges of a trustee are disallowed or reduced, the Court may order that the expense of such examination or taxation, or any part of such expense, shall be paid by the trustee.

Statement of accounts by trustee.

9. Every trustee in bankruptcy or liquidation shall make a statement of accounts not less often than once in every period of six months. Such statement shall be in the prescribed form, and be circulated amongst the creditors and presented to the Court in the prescribed manner, and shall be in addition to the account required by the principal Act to be transmitted to the comptroller. Such statement shall, amongst other things, show all moneys or assets which have become payable to or receivable by the trustee down to the date of the statement, and shall state the reason why any such moneys have not been collected and divided, and shall be verified by affidavit or otherwise in the prescribed manner.

Discharge of bankrupt.

10. For the special resolutions required by the forty-eighth section of the principal Act for the several purposes of that section there shall be substituted a resolution in writing signed by or on behalf of a majority in number and three-fourths in value of all the creditors who have proved in the bankruptcy.

Status of undischarged bankrupt.

11. The fifty-fourth section of the principal Act shall be construed as if for the periods of three years mentioned in the said section there were respectively substituted a period of *one year*.

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This section shall not apply to any bankruptcy closed before the passing of this Act.

Declaration to be made by petitioner for liquidation, &c.

12. Every petition for liquidation by arrangement or for composition shall be accompanied with a statutory declaration made by the petitioner, and containing a list of all his creditors, with their addresses and the amounts due to each, and a statement of any securities or set-off which they respectively hold or are entitled to, with any other prescribed particulars; and a copy of such list showing separately each debt exceeding *ten pounds*, and showing the aggregate of the debts not exceeding *ten pounds*, shall be sent by the petitioner to each of such creditors whose claim exceeds *five pounds*. Any person wilfully making a false declaration in respect of any such matters shall be deemed guilty of a misdemeanour punishable under the Debtors Act, 1869, and shall be liable to imprisonment with or without hard labour for any term not exceeding *one year*.

Majority requisite for accepting a composition.

13. For the purposes of section one hundred and twenty-six of the principal Act, relating to the acceptance of a composition, the majority of creditors necessary for passing or confirming an extraordinary resolution shall be a majority in number and *four-fifths* in value of all the creditors voting at a meeting, and must be equal to or exceed a majority in number and not less than *three-fourths* in value of all the creditors.

Discharge in liquidation.

14. In liquidation by arrangement a discharge of the debtor shall not be granted until after the expiration of *three months* from the first meeting of the creditors, and shall be granted only by a resolution in writing signed by a majority in number and *four-fifths* in value of all the creditors who have proved in the liquidation.

Change from liquidation to bankruptcy.

15. When a debtor petitions for liquidation by arrangement, if an ordinary resolution is passed at the first meeting of creditors that the affairs of the debtor are to be administered in bankruptcy, such meeting shall have all the same powers as and shall (subject as herein-after provided) be deemed to be the first general meeting of the creditors in the bankruptcy, and shall be presided over by such chairman as the meeting may elect; and the Court shall, upon proof of the resolution, adjudicate the debtor a bankrupt, and such adjudication shall have relation to the time of the passing of the resolution, and the petition shall be deemed to have been an act of bankruptcy.

Failure of liquidation.

16. When a debtor petitions for liquidation by arrangement, then in case no special resolution approving such liquidation is

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passed at the meeting of the creditors, or no trustee is appointed within the prescribed time, the following consequences shall ensue; (that is to say,)

(*a.*) The petition shall be deemed to have been an act of bankruptcy within the meaning of the sixth section of the principal Act; and every person having notice of the petition shall be deemed to have notice of an act of bankruptcy available for adjudication; and

(*b.*) Any creditor who has made the statutory declaration required by the one hundred and twenty-fifth section of the principal Act, and who is otherwise qualified as required by the said sixth section (as amended by this Act) as regards the amount and nature of his debt, may present a petition praying that the debtor be adjudicated a bankrupt, and the Court upon proof of such declaration and of the petition, and of the fact that no special resolution has been passed, or no trustee appointed as aforesaid, shall adjudicate the debtor a bankrupt; and

(*c.*) Any proof of a debt made for the purposes of the proposed liquidation shall be valid, and shall be admitted under the bankruptcy, subject to the like provisions and consequences as if it had been made under the bankruptcy.

Change from bankruptcy to composition.

17. So much of the twenty-eighth section of the principal Act as enacts that the trustee may, with the sanction of a special resolution of the creditors assembled at any meeting of which notice has been given, specifying the object of such meeting, accept any composition offered by the bankrupt, shall be repealed, and in lieu thereof the following provision shall have effect:

At any general meeting of the creditors in a bankruptcy, in case an offer be made by or on behalf of the bankrupt to pay a composition upon the whole of the debts of the bankrupt, and to give security for payment of such composition, and a majority in number and *four-fifths* in value of the creditors voting at such meeting resolve that such offer be entertained, the trustee shall forthwith advertise in the prescribed manner the terms of the offer and the resolution, and give notice of a day, hour, and place for the holding of a further meeting to decide upon the offer, and shall also send to every creditor who has proved or claimed in the bankruptcy, or who is named in any statement made by the bankrupt, a notice stating the terms of the offer and the proposed security, and a list of all such creditors as aforesaid, with the amount of their respective claims, and

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the estimated value of the bankrupt's estate, and any other prescribed particulars.

If at such further meeting the offer is accepted by a majority in number and *four-fifths* in value of all the creditors, the same shall be deemed to be adopted, and upon proof of such adoption the Court shall approve the composition in the manner and with the consequences mentioned in the said thirty-eighth section with respect to compositions.

Notices for adjourned meetings.

18. Whenever a meeting of the creditors held under any of the provisions of the principal Act or of this Act is adjourned to another day, the like notices of the adjourned meeting shall be sent to all the creditors as in the case of the original meeting, and shall be accompanied by a statement in the prescribed form, showing the proceedings at the meeting which was so adjourned, and the matters proposed to be done at the meeting to which the adjournment is made.

Voluntary settlements by traders, and bills of sale.

19. Every settlement by a trader which by the ninety-first section of the principal Act is declared to be void as against the trustees in bankruptcy or liquidation of a settlor who becomes bankrupt within two years after the date of the settlement shall further be void as against the trustee in bankruptcy of a settler who becomes bankrupt within *three* years following the expiration of such two years, unless within *one* year after the date of the settlement the settlement is registered in the prescribed manner, and also a notice thereof in the prescribed form is published in the "London Gazette."

Every bill of sale given by a trader shall be void as against his trustee in bankruptcy unless it has been actually registered before any act of bankruptcy on which an adjudication of bankruptcy shall be made has been committed by such trader.

This section shall not apply to any settlement or bill of sale made before the passing of this Act.

Administration of estates of insolvent persons deceased.

20. Every Court having jurisdiction in bankruptcy shall have jurisdiction to administer the estate of a deceased person whose estate is insufficient to meet his debts and liabilities whatever may be the amount of the estate or of the debts and liabilities.

If in the course of such administration it appears that the estate is sufficient to meet the debts and liabilities, the Court may either dismiss or continue the proceedings on such terms as to costs to be paid by any person or otherwise as it thinks fit, or as may be prescribed.

For the purposes of this section every Court having jurisdiction in bankruptcy shall have all the same powers and jurisdiction

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(whether original or by way of appeal) as in cases of bankruptcy, and shall (in addition to its powers as a court of bankruptcy) have all the same powers and jurisdiction as may be exercised by any division of the High Court of Justice for the administration of the estates of deceased persons.

Rules may be made for the regulation of proceedings under this section in the same manner as rules for the regulation of proceedings in bankruptcy.

Traders accounts.

21. In any case of bankruptcy or of liquidation by arrangement it shall be the duty of the trustee at the prescribed time or times, or if no time or times be prescribed, then at such time or times as he thinks fit or as may be directed by the committee of inspection, or by any resolution of the creditors, to report to the Court whether the debtor has or has not kept proper accounts and books.

Power to Court to review past conduct of the bankrupt.

22. If it appear to the Court before whom an application is made under the forty-eighth section of the principal Act for an order of discharge that the bankrupt has carried on trade by means of fictitious capital, or that he could not have had at the time when any of his debts were contracted any reasonable or probable ground of expectation of being able to pay the same, or that, if a trader, he has with intent to conceal the true state of his affairs wilfully omitted at any time to keep proper books or accounts, or that, if a trader, he has within three years before the commencement of the bankruptcy failed to keep usual and reasonable books and accounts or, whether trader or not, that his insolvency is attributable to rash and hazardous speculation or unjustifiable extravagance in living, or that he has put any of his creditors to unnecessary expense by frivolous or vexatious defence to any action or suit to recover any debt or money due from him, the Court may either refuse an order of discharge or may suspend the same from taking effect for such time as the Court may think fit, or may grant an order of discharge subject to any condition or conditions touching any salary, pay, emoluments, profits, wages, earnings, or income which may afterwards become due to the bankrupt, and touching after-acquired property of the bankrupt.

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Bankruptcy Act (1869) Amendment.

A

B I L L

To amend the Bankruptcy Act, 1869.

(*Prepared and brought in by Mr. Sampson Lloyd, Mr. Norwood, Mr. Whitwell, and Mr. Ripley.*)

Ordered, by The House of Commons, *to be Printed,* 25 *January* 1878.

[Bill 89.]

Under 2 *oz.*

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Bankruptcy Law Amendment Bill.

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A

B I L L

TO

Consolidate and amend the Law of Bankruptcy, and for other purposes relating thereto. A.D. 1878.

WHEREAS it is expedient to consolidate and amend the law relating to Bankruptcy:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary. *Preliminary.*

1. This Act may be cited as "The Bankruptcy Act, 1878." Short title.

2. This Act shall not, except in so far as is expressly provided, apply to Scotland or Ireland. Application of Act.

3. This Act shall not come into operation until *the first day of January one thousand eight hundred and seventy-nine*, which date is herein-after referred to as the commencement of this Act. Commencement of Act.

4. In this Act, if not inconsistent with the context, the following terms have the meanings herein-after respectively assigned to them; that is to say, Interpretation of certain terms in the Act.

"The court" means the court having jurisdiction in bankruptcy as by this Act provided: "Court:"

"The registrar" means any registrar of the "court" as above defined: "Registrar:"

"Prescribed" means prescribed by rules of court to be made as in this Act provided: "Prescribed:"

"Property" means and includes money, goods, things in action, land, and every description of personal property wheresoever situate, and every description of real property situate in the United Kingdom or in any of the dominions, plantations, or colonies belonging to Her Majesty; also, obligations, ease- "Property:"

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ments, and every description of estate, interest, and profit, present or future, vested or contingent, arising out of or incident to property as above defined:

"Secured creditor:" "Secured creditor" means any person holding a mortgage charge or lien upon the property of the debtor as security for a debt due to him from such debtor:

"Gazetted:" "Gazetted" means advertised in the London Gazette:

"Ordinary resolution:" "Ordinary resolution" or "resolution" means a resolution passed by the votes of a majority in value of the creditors present personally or by proxy at a meeting:

"Special resolution:" "Special resolution" means a resolution passed by the votes of a majority in number representing three fourths in value of all the creditors who have proved their debts at the date of the meeting at which such resolution is passed, whether such resolution has been signed by such majority at the meeting, or has, within a prescribed time after the meeting, been signed by such of the creditors as, together with those who signed the same at the meeting, make up such majority:

"Deed of arrangement:" "Deed of arrangement" means a deed or instrument providing by way of trust, inspectorship, or otherwise, for the distribution of all or part of the property of a debtor among all his creditors, or for the payment of a composition to all his creditors out of his property or otherwise:

"Creditor:" "Creditor" includes any two or more persons to whom a debt is owing jointly, and also incorporated and joint stock companies:

"Person:" "Person" includes a body corporate and a firm:

"Trader:" "Trader," for the purposes of this Act, means the several persons in that behalf mentioned in the first schedule to this Act annexed:

"Bankruptcy petition:" "Bankruptcy petition" means a petition praying that the affairs of the debtor may be wound up, and his property administered, under the provisions of the Law of Bankruptcy.

Exclusion of companies and large partnerships.

5. A provisional order or deed of arrangement under this Act shall not be made against or by any corporation, or any partnership or association or company registered under "The Companies Act, 1862."

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PART I.

Proceedings under a Bankruptcy Petition.

Petition and acts of bankruptcy.

6. A single creditor, or two or more creditors, if the debt owing to such single creditor, or the aggregate amount of debts owing to such several creditors, from any debtor, amounts to a sum of not less than *fifty pounds*, may present a bankruptcy petition to the court, alleging as the ground for such petition any one or more of the following acts or defaults, in this Act deemed to be and included under the expression "acts of bankruptcy:"

(1.) That the debtor has, in England or elsewhere, made a conveyance or assignment of his property to a trustee or trustees for the benefit of his creditors generally, or has executed any other instrument whereby his property is made available for general distribution amongst his creditors:

(2.) That the debtor has, in England or elsewhere, made a fraudulent conveyance, gift, delivery, or transfer of his property or of any part thereof:

(3.) That the debtor has, with intent to defeat or delay his creditors, done any of the following things, namely, departed out of England, or being out of England remained out of England; or being a trader departed from his dwelling-house, or otherwise absented himself; or begun to keep house; or suffered himself to be outlawed:

(4.) That the debtor has filed in the prescribed manner in the court a declaration admitting his inability to pay his debts, or has presented a bankruptcy petition against himself:

(5.) That execution issued against the debtor on any legal process has, in the case of a trader, been levied by seizure and sale of his goods, or enforced by delivery of his goods: Provided that a bankruptcy petition be presented against or by the debtor within four weeks after the date of such sale or delivery, and a provisional order be made thereon, or a deed of arrangement be filed by the debtor within the like period, and be confirmed by the court:

(6.) That the creditor presenting the petition has served on the debtor a writ specially endorsed with the particulars of demand sought to be recovered, in an action in the High Court of Justice wherein the creditor claims payment of a sum amounting to not less than *fifty pounds*, and has also served on the debtor in England in the prescribed

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manner at or at any time after the date of the service of the writ, a bankruptcy notice in writing in the prescribed form, requiring him to pay the amount endorsed upon such writ, and the debtor has not, if a trader, within *seven days*, or, if a non-trader, within *twenty-one days* after the service of such notice paid the amount due to the creditor or secured or compounded for the same to the satisfaction of the creditor: Provided that no bankruptcy petition shall be presented on the ground of such last-mentioned act of bankruptcy unless the creditor shall have obtained final judgment in the action for a sum of not less than *fifty pounds* within three months from the service of the specially endorsed writ:

(7.) That the creditor presenting the petition has obtained final judgment against the debtor in an action in the High Court of Justice or in a county court for a sum of not less than fifty pounds, and has served on the debtor in England or (by leave of the London Bankruptcy Court) elsewhere than in England a bankruptcy notice in writing in the prescribed manner and form, requiring him to pay the amount for which such judgment has been obtained, and the debtor has not, if such notice has been served in England, and if he be a trader, within *seven days*, or, if a non-trader, within *twenty-one days* after the service of such notice, and if such notice has been served elsewhere than in England (whether he be a trader or not), within such time as may be limited for the purpose in the particular case by the London Bankruptcy Court, paid such amount, or secured or compounded for the same to the satisfaction of the creditor:

(8.) That the debtor, being a trader, has paid money to or given or delivered any satisfaction or security for the debt of a petitioning creditor, or any part thereof, after such creditor has presented a bankruptcy petition against him:

Provided—

(*a*) That the alleged act of bankruptcy must have occurred within *six months* before the presentation of the bankruptcy petition:

(*b*) That the debt of the petitioning creditor must, in the case of a trader, be a liquidated sum due or growing due at law or in equity, and in the case of a non-trader be a liquidated sum due at law or in equity, and must not in either case be a secured debt, unless the petitioner

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state in his petition that he will be ready to give up such security for the benefit of the creditors in the event of a provisional order being made, or unless the petitioner give an estimate of the value of his security, in which latter case he may be admitted as a petitioning creditor to the extent of the balance of the debt due to him after deducting the value so estimated, but he shall, on an application being made in the course of the proceedings within the prescribed time, by any person interested, give up his security to be dealt with as part of the property of the debtor for the benefit of the creditors upon payment of such estimated value.

Provisional Order.

Provisional order against trader.

7. As soon as may be after the presentation of a bankruptcy petition against a debtor who is a trader, the court, if satisfied by ex parte evidence or otherwise of the petitioning creditor's debt, and of the trading and of the act of bankruptcy (or if more than one act of bankruptcy is alleged of some one of the alleged acts of bankruptcy), shall make on the petition an order, that the affairs of the debtor shall be wound up, and his property administered under the law of bankruptcy, in this Act referred to as a "provisional order."

A copy of a provisional order shall in the case of a trader debtor be served on the debtor in the prescribed manner, together with a notice that within a specified number of days the debtor may show cause why the provisional order should be revoked; and if the debtor within the time appointed show to the satisfaction of the court that either the proof of the petitioning creditor's debt, or of the trading or of the act of bankruptcy, is insufficient, and if upon such showing no other sufficient petitioning creditor's debt, or trading or act of bankruptcy, is proved, or if any ground is shown to exist which would render the making of a provisional order inequitable, the court shall revoke the provisional order, and, unless it see good cause to the contrary, order costs to be paid to the debtor; but if such order is not revoked within such time as aforesaid, the court shall, at the expiration of such time, proceed as herein-after in this Act provided in that behalf.

Provisional order against non-trader.

8. A bankruptcy petition against a debtor who is a non-trader shall be issued and served in the prescribed manner. At the hearing the court shall require proof of the debt of the petitioning creditor, and of the act of bankruptcy, or, if more than one act of bankruptcy is alleged in the petition, of some one of the alleged acts of bankruptcy, and if satisfied with such proof, and if no ground is

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shown to exist which would render the making of a provisional order inequitable, shall make against the debtor a provisional order.

Petition by debtor.

9. A debtor may present a bankruptcy petition against himself, and shall within the prescribed time file a list of his creditors in manner provided by this Act, and the court shall thereupon make a provisional order against him.

Appointment of receiver.

10. The court may at any time after the presentation of a bankruptcy petition appoint as may be prescribed an officer of the court or any other person to be the receiver or manager of the property or business of the debtor or of any part thereof; but such appointment shall, where a provisional order has been made, be revoked if and when the provisional order is revoked.

Debtor to file list of creditors.

11. Where a provisional order is made against a debtor, and is not revoked within the time by this Act provided, notice thereof shall be served on the debtor in the prescribed manner, together with an order requiring him to file in court, within the specified number of days after the date of the service of the order, a list of his creditors verified in the prescribed manner, showing which of such creditors are unsecured and which secured, and the value at which he estimates their securities, and the dates when such securities were respectively given, and the amount provable after deducting such value, and giving notice to the debtor that if he does not, within the prescribed time, duly file such list, the provisional order may, on the application of a creditor, be made an absolute order for bankruptcy, and that the bankruptcy will be gazetted.

Adjudication on failure to file list.

12. If the debtor fail to comply with the order of the court as to filing a list of his creditors, or to show a sufficient excuse for not having fully complied with the order, the court may, on the application of any creditor, make an absolute order for bankruptcy against the debtor, and direct such bankruptcy to be gazetted.

Creditors bound by proceedings in bankruptcy.

13. When a provisional order has been made against a debtor, no creditor to whom the debtor is indebted in respect of any debt provable in bankruptcy shall have any remedy against the property or person of the debtor in respect of such debt, except in manner directed by this Act. All proceedings to recover any such debt shall be stayed upon notice of such order, or (as the case may be) of the appointment of a receiver or manager before such order, being given in manner prescribed, but the court may, on application by any creditor or person interested, allow any proceedings commenced to be continued upon such terms and conditions as it thinks just. But this section shall not affect the power of any secured creditor

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to realise or otherwise deal with his security in the same manner as he would have been entitled to realise or deal with the same if this section had not been passed, and where a provisional order made against a debtor is revoked, the remedy of any creditor against the property or person of the debtor shall revive.

The court may also, at any time after the presentation of a bankruptcy petition against or by a debtor, and before a provisional order has been made, restrain further proceedings in any action, execution, or other legal process against the debtor in respect of any debt provable in bankruptcy, or may allow such proceedings, whether in progress at the date of the presentation of the petition, or commenced afterwards, to proceed upon such terms as it thinks just.

Commencement of bankruptcy.

14. The bankruptcy of a debtor or (if he be not adjudged bankrupt) the effect of the provisional order shall be deemed to have relation back to and to commence at the time of the act of bankruptcy being completed on which the provisional order is made, herein-after referred to as "the commencement of the bankruptcy;" or if the debtor is proved to have committed more acts of bankruptcy than one, to have relation back to and to commence at the time of the first of the acts of bankruptcy that may be proved to have been committed by the debtor within six months next preceding the date of the presentation of the bankruptcy petition; but the bankruptcy or (as the case may be) the effect of the provisional order shall not relate to any act of bankruptcy prior to the one on which such order is made, unless at the time of committing such prior act the debtor was indebted to some creditor or creditors in a sum or sums sufficient to support a bankruptcy petition, and unless such debt or debts are still remaining due at the date of the provisional order.

Meetings of creditors to be summoned.

15. When a provisional order has been made against a debtor, his property shall become divisible amongst his creditors in proportion to the debts proved by them, and for the purpose of effecting such division the court shall, as soon as may be, summon meetings of the creditors as provided by this Act.

Investigation by Creditors.

Regulations as to preliminary meeting.

16. The court shall, as soon as practicable after the provisional order, summon a general meeting of the creditors of the debtor, which general meeting is in this Act referred to as the first general meeting, and also a preliminary meeting, unless the court, having regard to the circumstances of the case, shall think fit to

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dispense with the preliminary meeting. The preliminary meeting shall be held in private at such time and place before the first general meeting as may be prescribed, and the creditors of the debtor may attend thereat, and discuss and investigate the affairs of the debtor, and consider any proposal which may be made to them in reference thereto, but they shall not prove their debts at such preliminary meeting. The creditors at such preliminary meeting may, if they think fit, appoint any person or persons to make a further investigation of the affairs of the debtor during the interval between such meeting and the first general meeting, and (unless the court shall otherwise order) the meetings shall be deemed to have been properly held, notwithstanding any omission or defect in the list of creditors to be filed as before mentioned, and notwithstanding that any creditor named in such list may not have received notice of such meetings.

Regulations as to first general meeting.

17. The first general meeting of creditors under a bankruptcy petition shall be summoned by the court in manner prescribed, and shall be presided over by the registrar, or, if he be unable to attend through illness or other unavoidable cause, by such person as the court may appoint, and any registrar so presiding may receive and adjudicate upon proofs of debt, and such meeting shall also be held in the prescribed manner and subject to the prescribed regulations as to the quorum of creditors, adjournment of meeting, and all other matters relating to the conduct of the meeting or the proceedings thereat:

Provided that,—

(1.) A person shall not be entitled to vote as a creditor unless he has in the prescribed manner proved a debt that is due to him:

(2.) A creditor shall not vote in respect of any unliquidated or contingent debt, or any debt the value of which is not ascertained:

(3.) A secured creditor shall, for the purpose of voting, be deemed to be a creditor only in respect of the balance (if any) due to him after deducting the value of his security; and the amount of such balance shall, until the security be realised, be determined or assessed in the prescribed manner. He may, however, give up or abandon the security, and thereupon he shall rank as a creditor in respect of the whole sum due to him:

(4.) A creditor shall not vote in respect of any current bill of exchange or promissory note held by him under discount,

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unless he is willing to treat the liability of every person who is liable thereon antecedently to the debtor, and whose estate is not in course of administration under this Act, as security in his hands, and to estimate the value thereof and deduct the same from his proof, in which case he shall, on application being made within the prescribed time by any person interested, give up such security for the benefit of the creditors of the debtor upon payment of such estimated value: Provided always, that such estimate (except so far as the creditor may receive any payment as aforesaid in respect thereof) shall not prejudice the right of such creditor to receive from the estate of the debtor a dividend upon the whole amount of such bill or note:

(5.) Votes may be given either personally or by proxies as may be prescribed.

Appointment of committee of inspection, and trustee or receiver.

18. For the purpose of conducting the proceedings under a bankruptcy petition the creditors at the first general meeting shall by resolution appoint some fit persons (not exceeding five in number) who are qualified to prove debts on their own behalf or otherwise to be a committee of inspection for the purpose of superintending the realisation and distribution of the property of the debtor, and may at the same or any other meeting fix the quorum required to be present at a meeting of the committee of inspection. The committee of inspection shall also at such meeting, or as soon as may be afterwards, appoint a trustee, or a receiver to act until a trustee is appointed, and if the court shall have previously appointed a receiver, they may either confirm such appointment or revoke the same and appoint a new receiver. On the appointment of a trustee the property of the debtor shall forthwith pass to and vest in the trustee appointed. If no trustee has been appointed, the property of the debtor shall, until a trustee shall have been appointed, or the debtor shall have executed a deed of arrangement, remain in him in trust for his creditors (without power to dispose thereof, except with the sanction of the committee or under order of the court), and shall be divisible amongst his creditors, and be administered under the provisions of this Act.

Provided always, that if in any case by reason of the small amount of the property of the debtor or of other special circumstances the creditors at the first general meeting shall desire not to appoint a committee of inspection, they may appoint a trustee to act without a committee of inspection, provided that such appointment be confirmed by the court, and the trustee so appointed shall in addition to the powers given to a trustee by this Act have all

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the powers by this Act given to a committee of inspection, and his remuneration shall be determined by the court.

Resolutions of creditors at first meeting.

19. The creditors at the first general meeting may by ordinary resolution do any of the following things; viz.,

1. Resolve that a further investigation of the affairs of the debtor be made, and give such directions as they think fit concerning the same, and direct that the result of such investigation be reported to the creditors at an adjourned meeting, or at the second general meeting to be called as in this Act provided, or (if the debtor be adjudged bankrupt) to the court:
2. Resolve that the proceedings under the bankruptcy petition be stayed, and the affairs of the debtor be wound up and his property administered under a deed of arrangement, the nature of which may or may not be specified in the resolution, and which has been or may be executed by him:
3. Resolve (if the debtor has not been adjudged bankrupt) that adjudication of bankruptcy be made.

Effect of resolutions at first meeting.

20. Every resolution of the creditors at the first general meeting shall be filed with the proceedings, and effect shall be given to such resolution in the following manner; viz.,

(1.) If the resolution be that a further investigation be made of the affairs of the debtor, such investigation shall be made by or under the direction of the committee of inspection, and (if necessary or desirable) the committee of inspection or the trustee or any creditor may apply to the court for an order that the debtor do file further accounts; and the court shall, if it thinks the application reasonable, make an order for such accounts and upon such terms as to payment of the expenses thereof as the court may think fit.

(2.) If the resolution be that the proceedings under the bankruptcy petition be stayed, the court shall make an order that the proceedings be stayed accordingly for such time as may be necessary to obtain the confirmation of a deed of arrangement as provided by this Act, and such order may be made on such terms and subject to such conditions as the court may think just.

(3.) If the resolution be that adjudication of bankruptcy be made, or if the creditors pass no resolution, or if (whether the proceedings are or are not stayed) it be shown to the satisfaction of the court that there is no reasonable probability of the confirmation of a deed of arrangement, and that it will not be for the benefit of the creditors that a

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second general meeting shall be held, the court shall make an absolute order for bankruptcy against the debtor. A.D. 1878.

Second general meeting.

21. If the debtor has not been adjudged bankrupt, and the proceedings under the bankruptcy petition are not stayed, the court shall summon a second general meeting of creditors, at which the committee of inspection, or the trustee or receiver by their direction, shall make to the creditors a report upon the affairs of the debtor; and the creditors at such meeting may, on the consideration of such report, or, if no such report is made, in the absence thereof, by ordinary resolution provide that adjudication of bankruptcy shall be made against the debtor, or that the proceedings under the bankruptcy petition be stayed and the property of the debtor be administered under a deed of arrangement, and effect shall be given to such resolution in like manner as to a resolution passed at the first meeting. The creditors at the second meeting may also by special resolution determine and declare that the affairs of the debtor have been sufficiently investigated, and that he be discharged, and the court shall thereupon make an order granting him his discharge. If no resolution be passed at such meeting, or if (the debtor not having been discharged) it be shown to the satisfaction of the court that there is no reasonable probability of the confirmation of a deed of arrangement, the court shall make an absolute order for bankruptcy against the debtor.

Gazetting bankruptcy and sitting for public examination.

22. Where an absolute order for bankruptcy is made against a debtor, the court shall direct the adjudication of bankruptcy to be gazetted, and shall direct a public sitting of the court to be held on a day to be named for that purpose within the prescribed time after the adjudication has been gazetted, and the bankrupt shall attend thereat, and submit himself to be then and there examined as to his conduct, dealings, and property, until the Court shall by order declare that his affairs have been sufficiently investigated, and that his examination is finished.

Conduct of debtor.

23. The debtor shall, to the utmost of his power, aid in the realisation of his property, and the distribution of the proceeds amongst his creditors. He shall, unless prevented by sickness or other cause satisfactory to the meeting, attend the preliminary meeting of his creditors, and also the first general meeting and the second general meeting (if any), and shall produce to each of such two last-mentioned meetings a statement of his affairs in the prescribed form, and shall submit to such examination at the preliminary and other meetings, and give such information as the meeting may require. He shall also give such inventory of his property, such list of his creditors and debtors, and of the debts

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due to and from them respectively, such account of his receipts and payments, and such other accounts, and attend such other meetings of creditors, submit to such examination in respect of his property or his creditors, wait at such times on the committee of inspection, trustee, or receiver, execute such powers of attorney, conveyances, deeds, and instruments, and generally do all such acts and things in relation to his property and the distribution of the proceeds amongst his creditors, as may be reasonably required by the committee of inspection, trustee, or receiver, or may be prescribed by rules of court, or be directed by the court by any special order or orders made on application by the committee of inspection, trustee, or receiver, or any creditor or person interested.

If the debtor wilfully fail to perform any of the duties imposed on him by this Act, or if he fail to deliver up possession of any part of his property which is divisible amongst his creditors under this Act, and which may for the time being be in the possession or under the control of such debtor, to the trustee or receiver, or any person authorised by the court to take possession thereof, he shall, in addition to any other punishment to which he may be subject, be guilty of a contempt of court, and may be punished accordingly.

PART II.

Deeds of Arrangement.

Regulations as to arrangement with creditors.

24. A deed of arrangement may be entered into between a debtor and his creditors in manner provided by this part of this Act, and when confirmed by the court shall be binding on all the creditors, provided that the following regulations be observed; viz.,

(1.) When the deed has been executed by the debtor it shall be filed in the court by means of the filing of an attested copy thereof, and such filing shall (if the deed be executed by the debtor in England) take place within *three days* after such execution, and (if it be executed by him out of England) within such time after such execution as the court may order:

(2.) Within *four days* after the filing of the deed, or within such further time as the court may allow, there shall be filed in the Court—

(*a*) A list showing the debts and liabilities of the debtor, and the time when the same were contracted or incurred, and the considerations for the same, the names, residences, and occupations of his creditors, and the respective amounts due to them and all securities

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held by them, and the dates when such securities were respectively given;

(*b*) A detailed statement of his property and the estimated value thereof;

(*c*) An affidavit in the prescribed form by the debtor or some person able to depose thereto verifying such list and statement:

(3.) The list or statement may be from time to time amended by leave of the court, and every such amendment shall be in like manner verified by affidavit:

(4.) If the deed is executed by the debtor in England its execution by him shall be attested by a practising solicitor, who shall state in his attestation the date of such execution:

(5.) If the deed is executed by the debtor in any place out of England but within the British dominions, it shall be executed by him before a court or judge, or before a notary public, or before a person authorised to administer oaths there (who shall state the date of such execution), and if the deed is executed by the debtor in any place out of the British dominions, it shall be executed by him before a British minister, consul, or vice-consul, or a notary public (who shall state the date of such execution), and judicial and official notice shall be taken of the seal or signature of any such court, judge, notary public, person, minister, consul, or vice-consul, affixed, appended, or subscribed to any writing purporting to attest the execution of the deed by the debtor, or to state the date of such execution:

(6.) A deed of arrangement must be assented to by a majority in number representing *three fourths* in value of the creditors of the debtor, and also by a majority of the committee of inspection, if any, and no creditor shall be reckoned in such majority unless he has proved his debt in manner prescribed; but creditors whose debts do not exceed *ten pounds* shall be reckoned in the majority in value, but not in the majority in number:

(7.) The assent of a creditor shall be testified by his signing the deed of arrangement or some document in a form prescribed for that purpose:

(8.) For the purposes of this Act, the date of the filing of the deed shall be taken to be equivalent to and corresponding with the date of the filing of a bankruptcy petition against or by the arranging debtor, and the date of the con-

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firmation of the deed by the court shall be taken as equivalent to and corresponding with the date of the making of a provisional order against the arranging debtor:

(9.) Every person who would be entitled to prove or claim in bankruptcy shall, for the purposes of the deed and of this part of this Act, be deemed a creditor for the amount for which his proof or claim would be admitted in bankruptcy, and accordingly the value of all securities for his debt held by any creditor on the debtor's property shall be deducted from the amount of his debt:

(10.) The debtor, or any creditor of the debtor, or any person interested, may, within *twenty-eight days* after the date of the execution of the deed by the debtor or within such further time as the court may allow, apply to the court to confirm the deed of arrangement; and the court, after giving the prescribed notices, and if satisfied that the requirements of this Act have been complied with, shall by order confirm the deed, and may make such order as to the staying of any proceedings or the annulling of any provisional order or absolute order under a bankruptcy petition against or by the debtor or the dismissal of the petition as it shall think just:

(11.) If a first meeting of creditors has not been held under a bankruptcy petition filed against or by the arranging debtor, and the deed provides that a composition shall be accepted by the creditors in discharge of their debts, such composition shall not be less than *five shillings* in the pound.

Order of court confirming deed to be conclusive.

25. The order of the court confirming the deed shall be conclusive evidence in all courts whatsoever of the validity of the deed, and after such order the deed shall not be liable to be impeached or disturbed in any court on the ground of anything being contained therein or omitted therefrom, or on any other ground whatsoever except in manner provided by this Act.

Appointment of receiver and payment of creditors under deed.

26. At any time after the filing of the deed, the court may appoint a receiver or manager of the property or business of the debtor, or of any part thereof, for such time and upon such terms as the court may think fit, and upon notice of the appointment of any receiver or manager being given in manner prescribed, all further proceedings in any action, execution, bankruptcy petition, or other legal process against the debtor or his property in respect of any debt shall be stayed, but the court may, on application by

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any creditor or person interested, allow such proceedings, whether in progress at the date of the filing of the deed or subsequently commenced, to proceed upon such terms as the court may think just. All questions under the deed shall be determined by the court according to the law of bankruptcy, and every creditor under the deed shall be entitled to be paid his debt, or, as the case may be, a dividend or composition thereon, rateably with the other creditors of the arranging debtor; but nevertheless, all creditors who would be entitled to priority of payment under an adjudication of bankruptcy against the arranging debtor shall be entitled to the like priority under the deed; and regard shall be had to the rule in bankruptcy as to the application of joint or separate estate in payment of creditors.

Powers of creditors at meeting called after filing of dee

27. At any time after the filing by the arranging debtor of the list of his debts and liabilities, and before the confirmation of the deed, the court may, on the application of the debtor, or of the trustees or inspectors appointed by the deed, or of creditors to the prescribed amount in number and value, direct a meeting of the creditors to be called and held in manner prescribed; and at such meeting the creditors may, if they think fit, appoint any person or persons to investigate the affairs of the debtor, and may also appoint a receiver or manager of the property or business of the debtor, or of any part thereof; and if at such meeting or at an adjournment thereof a majority in number, or more than *one fourth* in value of all the creditors shall resolve that the deed shall not be proceeded with, the court shall make order accordingly, and upon such order being made the deed shall be void to all intents, except so far as the court may, in making such order, think fit to confirm the acts (if any) which a trustee or inspector, acting under the deed, may have previously done or authorised in pursuance of the deed; and if the creditors pass an ordinary resolution that a provisional order or an absolute order for bankruptcy be made against the debtor, the court may, by the same or any subsequent order, make a provisional or absolute order accordingly, without proof of any act of bankruptcy, as if the debtor had filed a bankruptcy petition on the date of the filing of the deed; and the provisions of this Act with regard to the commencement and subsequent effect of a provisional order and absolute order shall (so far as the nature of the case will admit) apply to every such provisional and absolute order; and if there be no prior act of bankruptcy such order shall take effect from the date of the filing of the deed.

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Effect of deed comprising all property of debtor.

28. If the deed of arrangement provides, by way of trust or inspection, or otherwise, for the distribution of all the property of the arranging debtor among his creditors, the order confirming the deed shall be equivalent to a provisional order founded on the execution of the deed by the debtor as an act of bankruptcy, and the following provisions shall have effect:

(1.) In addition to the property expressly comprised or purporting to be comprised in the deed, all the property which would, under such provisional order, be divisible among his creditors, shall be deemed to be the property of the debtor for the purposes of the deed, and shall vest in the trustee (if any) appointed by the deed:

(2.) All such executions, attachments, settlements, conveyances, transfers, charges, payments, obligations, and proceedings as would be void against the trustee in the case of such a provisional order shall be void against the trustee, the inspectors, and the creditors, in the case of a deed of arrangement under this section:

(3.) The trustees or inspectors for the time being of the deed, and the creditors bound thereby, and the debtor shall, as between themselves respectively, and also as against third parties, and in all other respects, have the same powers, rights, and remedies, and be subject to the same obligations in reference to the estate and effects comprised in the deed or by virtue of this Act deemed to be the property of the debtor for the purposes of the deed, as if such a provisional order had been made, and the creditors had proved, and the trustees and inspectors had been respectively appointed trustees, and a committee of inspection under a bankruptcy petition preceding such order:

(4.) For the purpose of giving effect to the provisions of the deed the court shall have the like jurisdiction and power to make and enforce orders under such deed as if such provisional order had been made against the arranging debtor:

Provided always, that the exception in any deed of the wearing apparel of the debtor and of his wife, and of his children, and of household furniture, and other personal property not exceeding in value in the whole (inclusive of such wearing apparel) *twenty pounds*, shall not prevent the deed being deemed to comprise all the debtor's property.

Power of court to declare deed void.

29. If at any time before or after the confirmation of the deed it is shown to the satisfaction of the court that the deed has

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been executed by the debtor vexatiously or frivolously, or for the purpose of delay, and not with a view to an arrangement in good faith with his creditors, or that the debtor has been guilty of fraud or culpable negligence in reference to the list of creditors or statement of property filed by him, or otherwise in reference to the proposed arrangement, or that he has done any act by statute made a misdemeanor in a case of a deed of arrangement, the court may, on the petition of any creditor or person interested, act as follows; that is to say,

(1.) If the deed has been confirmed, may by order declare that the deed so far as regards any release to the debtor therein contained or provided for shall be void:

(2.) If the deed has not been confirmed, may by order declare that the deed shall be void to all intents, except so far as the court may in making such order think fit to confirm the acts (if any) which a trustee or inspector acting under the deed may have previously done or authorised in pursuance of the deed.

Upon any such order being made the deed shall accordingly be void to the extent indicated by such order; and the court may by the same or any subsequent order either revive any bankruptcy proceedings which may have been instituted against the debtor or make a provisional order or an absolute order for bankruptcy against him without proof of any act of bankruptcy, and a petition under this section shall be deemed to be a bankruptcy petition against the debtor, and the provisions of this Act with regard to the commencement and subsequent effect of a provisional order and absolute order shall (so far as the nature of the case will admit) apply to every such provisional and absolute order, and if there be no prior act of bankruptcy, every such order shall take effect from the time of the making thereof: Provided that no act done in pursuance of a deed which has been confirmed shall be impeached or disturbed by reason of any such order, and in the administration of the property of the debtor thereafter regard shall be had to all payments made in pursuance of the deed.

Arrangements by partners with joint or with separate creditors.

30. This part of this Act shall apply to any case in which, after the commencement of this Act, members of a partnership enter into a deed of arrangement with their creditors; and any such deed of arrangement may be entered into with the joint creditors without any of the separate creditors being parties to or included in the deed, or with separate creditors only, without any of the joint creditors being parties to or included in the deed; provided that in

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a distinct arrangement with any particular class of creditors the rule in bankruptcy respecting the application of joint or separate estate to the payment of creditors shall not be contravened.

Arrangements by partners with creditors generally.

31. Where a deed of arrangement is made by members of a partnership with their joint and separate creditors, any delay in obtaining, or failure to obtain, the assents of some or one of the classes of separate creditors, shall not prevent the deed being confirmed so as to bind the joint creditors, and any other class of separate creditors.

Debts incurred by fraud.

32. Where a debtor who has executed a deed of arrangement has incurred or increased a debt, or obtained forbearance thereof by fraud, he shall be liable to pay to the defrauded creditor the balance of such debt after deducting any sum or sums which may have been received by such creditor by way of composition or dividend under the deed, provided that such creditor has not assented to the deed in manner provided by this Act.

Saving of rights against third parties.

33. No creditor of the arranging debtor, whether assenting to the deed or not, shall be prejudicially affected by this part of this Act with respect to any right or remedy against any person other than the arranging debtor.

PART III.

Discharge of Bankrupt.

Order of discharge.

34. Where the debtor has been adjudged bankrupt and has passed his public examination, he may apply at any time after the expiration of *three months* from the date of the finishing his last examination in manner prescribed to the court to grant him his discharge; provided that,

1. Where the application for discharge is made before the expiration of *twelve months* from the date of the first meeting of the creditors, the application must be concurred in by a majority in number and *three fourths* in value of the creditors who have proved; and
2. Where the application is made after the expiration of *twelve months* and before the expiration of *eighteen months* from the date of the first meeting of the creditors, the application must be concurred in by a majority in number and value of the creditors who have proved; and
3. Where the application is made after the expiration of *eighteen months* and before the expiration of *twenty-four* months

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from the date of the first meeting of the creditors, the application must be concurred in by *one third* in number and value of the creditors who have proved; and

4. Where the application is made after the expiration of *twenty-four months* and before the expiration of *thirty months* from the date of the first meeting of the creditors, the application must be concurred in by *one fourth* in number and value of the creditors who have proved; and

5. Where the application is made after the expiration of *thirty months* from the date of the first meeting of the creditors, the application need not be concurred in by any of the creditors.

Where the discharge of the bankrupt is not concurred in by a majority in number and value of his creditors, the court, on the application of the committee of inspection, shall have power to order that the bankrupt shall thereafter pay to the trustee for the benefit of the creditors under the bankruptcy such sum as may be stated in the order granting him his discharge, but payment of such sum shall only be enforced against the debtor by leave of the court, and to such extent from time to time as the court may approve, and if subsequently the debtor should be adjudged bankrupt, or a provisional order be made against him, the amount (if any) remaining unpaid under any such order for payment shall be postponed until the debts due to the creditors under such subsequent bankruptcy or provisional order shall have been fully paid or satisfied.

Notice of the application for an order of discharge shall be gazetted and sent to each creditor who has proved, and after the expiration of *twenty-one days* from the publication of the notice the court shall, on evidence of the proper concurrence, where necessary, of the creditors to the application, order the discharge of the bankrupt.

Effect of order of discharge.

35. An order of discharge shall not release the bankrupt from any debt or liability incurred by means of any fraud or breach of trust nor from any debt or liability whereof he has obtained forbearance by any fraud, but it shall release the bankrupt from all other debts provable under the bankruptcy petition, with the exception of—

(1.) Debts due to the Crown; and

(2.) Debts with which the bankrupt stands charged at the suit of the Crown or of any person for any offence against a statute relating to any branch of the public revenue, or at the suit of the sheriff or other public officer on a bail

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bond entered into for the appearance of any person prosecuted for any such offence:

And he shall not be discharged from such excepted debts unless the Commissioners of the Treasury certify in writing their consent to his being discharged therefrom.

An order of discharge shall be sufficient evidence of the bankruptcy petition, and of the validity of all proceedings thereunder precedent to the order of discharge, and in any proceedings that may be instituted against a debtor who has obtained an order of discharge in respect of any debt from which he is released by such order, the debtor may plead that the cause of action occurred before his discharge, and may give this Act and the special matter in evidence.

Exception of joint debtors.

36. The order of discharge shall not release any person who, at the date of the bankruptcy petition was a partner with the debtor, or was jointly bound or had made any joint contract with him.

PART IV.

DISTRIBUTION OF PROPERTY.

General Provisions.

Description of debtor's property divisible amongst creditors.

37. The property of the debtor divisible amongst his creditors under a bankruptcy petition, and in this Act referred to as the property of the debtor, shall not comprise the following particulars:

(1.) Property held by the debtor on trust for any other person than his creditors under this Act; or

(2.) The tools (if any) of his trade and the necessary wearing apparel and bedding of himself, his wife and children, to a value, inclusive of tools and apparel and bedding, not exceeding *twenty pounds* in the whole:

But it shall comprise the following particulars:

(3.) All such property as may belong to or be vested in the debtor at the commencement of the bankruptcy or may be acquired by or devolve on him at any time previously to his discharge;

(4.) The capacity to exercise and to take proceedings for exercising all such powers in or over or in respect of property as might have been exercised by the debtor for his own benefit at the commencement of the bankruptcy, or at any

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time previously to his discharge, except the right of nomination to a vacant ecclesiastical benefice; and

(5.) All goods and chattels being at the commencement of the bankruptcy in the possession, order, or disposition of the debtor, being a trader, by the consent and permission of the true owner, and of which goods and chattels the debtor is reputed owner, or of which he has taken upon himself the sale or disposition as owner; provided that things in action, other than debts due or growing due to him, shall not be deemed goods and chattels within the meaning of this clause.

Dealings with Debtor's Property.

Possession of property by trustee or receiver.

38. Where any portion of the property of the debtor consists of stock, shares in ships, shares, or any other property transferable in the books of any company, office, or person, the right to transfer such property shall be absolutely vested in the trustee (if any) to the same extent as the debtor might have exercised the same if a bankruptcy petition had not been filed against or by him. Where any portion of such property is of copyhold or customary tenure, or is property of any like kind passing by surrender and admittance or in any similar manner, the trustee shall not be compellable to be admitted to such property, but may deal with the same in the same manner as if such property had been capable of being and had been duly surrendered or otherwise conveyed to such uses as the trustee may appoint; and any appointee of the trustee shall be admitted to or otherwise invested with the property accordingly.

If no trustee shall have been appointed under any bankruptcy petition, the court may order that the right to transfer any property mentioned in this section shall vest in the receiver appointed under the petition, or in any member of the committee of inspection, and such right shall thereupon vest accordingly in the person named in such order in that behalf. The trustee, and where no trustee has been appointed under a bankruptcy petition, the receiver (if any) appointed thereunder, shall, as soon as may be, but subject to the directions of the court, take possession of the deeds, books, and documents of the debtor, and all other parts of his property capable of manual delivery.

Disclaimer of onerous property by trustee.

39. Where any part of the property of the debtor consists of land of any tenure burdened with onerous covenants, of unmarketable shares in companies, of unprofitable contracts, or of any other

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property that is unsaleable, or not readily saleable, by reason of its binding the possessor thereof to the performance of any onerous act, or to the payment of any sum of money, the trustee, notwithstanding that he has endeavoured to sell, or has taken possession of such property, or exercised any act of ownership in relation thereto, may, by writing under his hand, disclaim such property, and upon the execution of such disclaimer the property disclaimed shall, if the same be a contract, be deemed to have determined at the date of the filing of the bankruptcy petition so far as regards the interest of the debtor therein and the liability of himself and his property, and of the trustee thereunder, and if the same be a lease, to have determined at the same date, so far as regards the interest of the debtor therein, and the liability of himself and his property, and the trustee to the performance of the covenants and conditions thereof, and if the same be shares in any company to have been forfeited at the same date, and whatever be the nature of the property it shall (unless the court otherwise order) pass to the person (if any) entitled thereto on the determination of the estate or interest of the debtor therein, and in no case shall any estate or interest or liability therein or thereunder remain in the debtor: Provided always, that such disclaimer shall not prejudice the rights or remedies or affect the obligations of any person other than the debtor and the trustee, and the court may, on application made by any person claiming any interest in the disclaimed property, and upon hearing such persons as it thinks fit, make an order for the vesting of the same property in or delivery thereof (together with any deeds or documents relating thereto), to any person or persons entitled thereto, or a trustee for him or them, and upon such terms as the court may think just, and upon any such vesting order being made, the property comprised therein shall vest according to the tenor thereof in the person or persons therein named in that behalf, without any conveyance or assignment for the purpose, and such vesting order shall not be liable to any stamp duty. Any person injured by the operation of any such disclaimer as aforesaid shall be deemed to be a creditor of the debtor to the extent of such injury, and may accordingly prove the same as a debt under the bankruptcy petition.

Restriction on trustee's right to disclaim.

40. The trustee shall not be entitled to disclaim any property in pursuance of this Act in any case where an application in writing has been made to him by any person interested in such property requiring such trustee to decide whether he will disclaim or not, and the trustee has for a period of not less than *twenty-eight days* after

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the receipt of such application, or such further time as may be allowed by the court, declined or neglected to give notice whether he disclaims the same or not. A.D. 1878.

Debts provable.

41. Demands in the nature of unliquidated damages arising otherwise than by reason of a contract or promise shall not be provable under a bankruptcy petition, and no person having notice of any act of bankruptcy available for adjudication against the debtor shall prove for any debt or liability contracted by the debtor subsequently to the date of his so having notice, unless the court is of opinion that the property of the debtor has been benefited or increased or that his debts or liabilities have been diminished by the payment of the money or execution of the contract upon which the debt or liability sought to be proved has arisen. Description of debts provable in bankruptcy.

Save as aforesaid, all debts and liabilities, present or future, certain or contingent, to which the debtor is subject at the date of the provisional order, or to which he may become subject by reason of any obligation incurred previously to the date of the order shall be deemed to be debts provable under a bankruptcy petition in pursuance of this Act.

An estimate shall be made according to the rules of court for the time being in force, so far as the same may be applicable, and where they are not applicable at the discretion of the trustee, of the value of any debt or liability provable as aforesaid, which by reason of its being subject to any contingency or contingencies, or for any other reason, does not bear a certain value.

Any person aggrieved by any estimate made by the trustee as aforesaid may appeal to the court, and the court may, if it think the value of the debt or liability incapable of being fairly estimated, make an order to that effect, and upon such order being made such debt or liability shall, for the purposes of this Act, be deemed to be a debt not provable under this Act, but if the court think that the value of the debt or liability is capable of being fairly estimated it may direct such value to be assessed with the consent of all the parties interested before the court itself without the intervention of a jury, or, if such parties do not consent, by a jury, either before the court itself or some other competent court, and may give all necessary directions for such purpose, and the amount of such value when assessed shall be provable as a debt under a bankruptcy petition in pursuance of this Act.

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"Liability" shall for the purposes of this Act include any compensation for work or labour done, any obligation or possibility of an obligation to pay money or money's worth on the breach of any express or implied covenant, contract, agreement, or undertaking, whether such breach does or does not occur, or is or is not likely to occur or capable of occurring before the discharge of the debtor, and generally it shall include any express or implied engagement, agreement, or undertaking to pay or capable of resulting in the payment of money or money's worth, whether such payment be as respects amount fixed or unliquidated, and payable in one sum or by instalments or periodical payments; as respects time present or future, certain or dependent on any one contingency or on two or more contingencies; as to mode of valuation capable of being ascertained by fixed rules, or assessable only by a jury, or as matter of opinion.

Interest on debts.

42. Interest on any debt provable under this Act may be allowed under the same circumstances in which interest would have been allowable by a jury if an action had been brought for such debt.

Provision as to secured creditor.

43. A secured creditor may, on giving up his security, prove for his whole debt, or he may prove for any balance due to him after realising or giving credit for the value of his security, in manner and at the time prescribed.

A secured creditor not complying with the foregoing conditions shall be excluded from proof.

Proof in respect of distinct contracts.

44. If the debtor is at the date of the provisional order liable in respect of distinct contracts as member of *two* or more distinct firms, or as a sole contractor, and also as a joint contractor, the circumstance that such firms are in whole or in part composed of the same individuals, or that the sole contractor is also one of the joint contractors, shall not prevent proof in respect of such contracts, against the properties respectively liable upon such contracts.

Set-off.

45. Where there have been mutual credits, mutual debts, or other mutual dealings between the debtor and any person having a debt provable under the bankruptcy petition, an account shall be taken of what is due from the one party to the other in respect of such mutual dealings, and the sum due from the one party shall be set off against any sum due from the other party, and the balance of such account, and no more, shall be proved or paid on either side respectively.

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Power for landlord to distrain for rent.

46. The landlord or other person to whom any rent is due from the debtor may at any time, either before or after the commencement of the bankruptcy, distrain upon the goods or effects of the debtor for the rent due to him from the debtor: Provided always, that if such distress for rent be levied after the commencement of the bankruptcy it shall be available only for *one year's* rent accrued due prior to the date of the provisional order, and that after notice received by or on behalf of the person making the distress of the appointment of a trustee or receiver no sale shall be made of the goods distrained, unless the court shall otherwise order, except by the trustee or receiver, and the rent for which such distress is available, and the expenses thereof shall be paid out of the proceeds of the sale, but the landlord or other person to whom such rent is due may prove for the overplus for which the distress may not have been available.

Proof in case of rent and periodical payment.

47. When any rent or other payment falls due at stated periods, and the provisional order is made at any time other than one of such periods, the person entitled to such rent or payment may prove for a proportionate part thereof up to the date of such order as if such rent or payment grew due from day to day.

Distribution of Assets and Dividend.

Preferential debts.

48. The debts in this section specified shall be paid in priority to all other debts. Between themselves such debts shall rank equally, and shall be paid in full, unless the property of the debtor is insufficient to meet them, in which case they shall abate in equal proportions between themselves; that is to say,

(1.) All parochial or other local rates due from him at the date of the provisional order, and having become due and payable within *twelve months* next before such date, all assessed taxes, land tax, and property or income tax, assessed on him up to the *fifth day of April* next before the date of the provisional order, and not exceeding in the whole one year's assessment:

(2.) All wages or salary of any clerk or servant in respect of services rendered to the debtor during *four months* preceding the date of the provisional order, not exceeding *fifty pounds:*

(3.) All wages of any labourer or workman in respect of services rendered to the debtor during *two months* preceding the date of the provisional order.

Save as aforesaid, all debts provable under the bankruptcy petition shall be paid pari passu: Provided always, that nothing in this

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section contained shall prejudice the provisions of the Friendly Societies Act, 1875.

Declaration of dividends.

49. The trustee shall with all convenient speed declare a dividend amongst the creditors who have proved their debts, and shall distribute the same accordingly. Before declaring a dividend the trustee shall cause a notice to be gazetted, stating the day on which the dividend is intended to be declared, and except as herein-after provided those debts only in respect of which proof has been made or tendered before that day shall be allowed to participate in the dividend.

Provision for creditors residing at a distance, &c.

50. In the calculation and distribution of a dividend it shall be obligatory on the trustee to make provision for debts provable under this Act appearing from the debtor's statements, or otherwise, to be due to persons resident in places so distant from the place where the trustee is acting that in the ordinary course of communication they have not had sufficient time to tender their proofs, and also for debts provable under the bankruptcy petition which have been notified to him in manner prescribed, and are the subject of claims not yet determined, and on any such debt being established the creditor shall be entitled to receive the dividend reserved thereon.

Right of creditor who has not proved debt before declaration of a dividend.

51. Creditors may prove their debts in manner prescribed, and creditors who have not proved their debts before the declaration of any dividend or dividends shall, on the occasion of the next dividend being declared, be entitled to be paid any dividend or dividends they may have failed to receive before any moneys are made applicable to the payment of any other dividend or dividends, but they shall not be entitled to disturb the distribution of any dividend declared before their debts were proved by reason that they have not participated therein.

Final dividend.

52. When all the property of the debtor from which any moneys available for division amongst the creditors can, in the opinion of the committee of inspection, be reasonably expected to arise has been realised, the trustee shall declare a final dividend, but before so doing he shall give notice in manner prescribed to the persons whose claims to be creditors of the debtor have been notified to him and not established to his satisfaction, that if they do not establish such claims to the satisfaction of the court within a time to be limited for that purpose by the notice he will proceed to make a final division of the property without regard to such claims. After the expiration of such time, or if the court shall on application by any such claimant grant further time to him for establishing his claim, then on the expiration of such further time, the property of the

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debtor divisible amongst the creditors shall be divided amongst the creditors who have proved their debts, without regard to the claims of any other persons.

No action for dividend.

53. No action shall lie for a dividend, but if the trustee or other person having control of any dividend refuses to pay the same, the court may, if it thinks fit, order him to pay the same, and also to pay out of his own moneys interest thereon for the time that it is withheld and the costs of the application.

Allowance to debtor for maintenance or service.

54. The committee of inspection may from time to time make such allowance as they may think just to the debtor out of his property for the support of the debtor and his family, or in consideration of his services if he is engaged in winding up his estate, but such allowance may be revised by the court, and where no allowance has been made the court may on cause shown make an allowance.

Debtor entitled to surplus.

55. The debtor shall be entitled to any surplus remaining after payment of his creditors, and of the costs, charges, and expenses of the proceedings under the bankruptcy petition.

PART V.

Powers and Duties of Committee of Inspection, Trustee, and Receiver.

Conduct and powers of trustee or receiver.

56. The trustee shall, in the administration of the property of the debtor and in the distribution thereof amongst his creditors, act under the directions of the committee of inspection, but the creditors at any general meeting may give directions as to the mode in which such property is to be administered, and the directions so given shall override any directions given by the committee of inspection.

The trustee shall keep, in manner prescribed, proper books, in which he shall from time to time make or cause to be made entries or minutes of proceedings at meetings, and of such other matters as may be prescribed, and any creditor of the debtor may, subject to the control of the court, personally or by his agent inspect such books.

Power of committee of inspection to deal with property of debtor.

57. Subject to the provisions of this Act, the committee of inspection shall have power to do or to direct the trustee to do the following things, or any of them :

(1.) To sell all or any part of the property of the debtor (including the goodwill of the business, if any, and the debts due or growing due to the debtor), by public auction or tender, or

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private contract, with power to transfer the whole thereof to any person or company, or to sell the same in parcels, and with power to accept as the consideration for such transfer and sale a sum which shall suffice to pay a specified dividend on all the debts proved or which may be proved under the bankruptcy petition, such sum to be paid or secured to be paid at such time and in such manner as the committee shall think fit:

(2.) To mortgage or pledge any part of the property of the debtor for the purpose of raising money for the payment of his debts:

(3.) To give receipts for money received, which receipts shall effectually discharge the person paying such money from all responsibility in respect of the application thereof:

(4.) To carry on the trade of the debtor, so far as may be necessary or expedient for the beneficial winding up or sale of the same, and for that purpose, or for the general management and realisation of his property, to employ the debtor himself or any other person or persons:

(5.) To bring, institute, or defend any action or other legal proceeding relating to the property of the debtor:

(6.) To prove rank claim and draw a dividend in respect of any debt due to the debtor:

(7.) To refer any dispute to arbitration, compromise all debts, claims, and liabilities, whether present or future, certain or contingent, liquidated or unliquidated, subsisting or supposed to subsist between the debtor and any person who may have incurred any liability to the debtor, upon the receipt of such sums, payable at such times, and generally upon such terms as may be agreed upon:

(8.) To make such compromise or other arrangement as may be thought expedient with creditors, or persons claiming to be creditors in respect of any debts provable under the bankruptcy petition:

(9.) To make such compromise or other arrangement as may be thought expedient with respect to any claim arising out of or incidental to the property of the debtor, made or capable of being made on the trustee by any person or by the trustee on any person:

(10.) To exercise any powers and discretions the capacity to exercise which is vested in the trustee under this Act, and to execute any powers of attorney, deeds, and other instruments for the purpose of carrying into effect the provisions of this Act:

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(11.) To deal with any property to which the debtor is beneficially entitled as tenant in tail in the same manner as the debtor might have dealt with the same; and the sections fifty-six to seventy-three (both inclusive) of the Act of the session of the third and fourth years of the reign of King William the Fourth (chapter seventy-four), "for the abolition of fines and recoveries, " and for the substitution of more simple modes of " assurance," shall extend and apply to proceedings under this Act, as if those sections were here re-enacted and made applicable in terms to such proceedings:

(12.) To divide in its existing form amongst the creditors, according to its estimated value, any property which from its peculiar nature or other special circumstances cannot be readily or advantageously sold.

The directions given by the committee of inspection to the trustee for the purposes of this section may be a general permission to do all or any of the above-mentioned things, or a permission to do all or any of them in any specified case or cases, and if there be no trustee, then the committee of inspection may direct the debtor to do all or any of such things, and wherever it is by this Act provided that the trustee may do any act or thing, the same may (if there be no trustee) be done by the committee of inspection.

The appointment of a trustee of the property of a debtor after action brought by or against a committee of inspection of such property shall not cause an abatement of such action, but the trustee shall be made a party thereto in place of the committee or the debtor, and the proceedings therein shall be carried on between the trustee and the continuing parties to the action.

Receiver to have powers of receiver of High Court of Justice.

58. Until a trustee has been appointed, the receiver (if any) may, if directed by the court or by the committee of inspection, and so far as the nature of the case will admit, do anything which might be done by the trustee under this Act. The trustee and the receiver shall, in relation to and for the purpose of acquiring or retaining possession of the property of the debtor, and in addition to any powers given to him by this Act, be in the same position in all respects as if he were a receiver appointed by the High Court of Justice; and the court may on his application enforce such acquisition and retention accordingly.

Power of court in case of refusal of

59. Where the debtor refuses or neglects to do any act in reference to the recovery, sale, or transfer of, or otherwise dealing with, any property remaining in him under this Act in trust for his

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debtor to act.

creditors for *forty-eight hours* after he shall have been required by the committee of inspection or receiver to do the same, the court may by order authorise such act to be done in the name of the debtor or otherwise by any person named in the order for that purpose, and every act done by such person shall be as effectual for all purposes as if the debtor had done the same, and shall not be revocable or impeachable by the debtor; and the Court may for the purpose of the recovery, sale, or transfer of, or otherwise dealing with, any such property, exercise every power which by the Trustee Act, 1850, or the Trustee Extension Act, 1852, is given to the Court of Chancery in reference to the disposition of property held by trustees.

Meetings of creditors may be summoned by the committee or the court.

60. The committee of inspection may from time to time summon or direct the trustee to summon general meetings of the creditors for the purpose of ascertaining their wishes; the committee may also apply to the court, in manner prescribed, for directions in relation to any particular matter. The court may also from time to time summon general meetings of the creditors, and may, if it thinks fit, direct the registrar to preside at such meetings, and in default of such direction, or if the registrar fail to preside, the meeting shall elect a chairman to preside. All the provisions of this Act in reference to the votes of creditors at the first meeting shall apply to any subsequent meeting, and any creditor whose debt has been proved, or the value of whose debt has been ascertained after such first meeting, shall be allowed to vote at any subsequent meeting.

Court may confirm or reverse acts of trustee or committee.

61. The debtor, or any of the creditors, or any other person, if aggrieved by any act of the trustee or of the committee of inspection, may apply to the court, and the court may confirm, reverse, or vary the act complained of, and may make such order in the matter as it thinks just.

Remuneration and Accounts.

Scale of remuneration of trustee or receiver.

62. Where the assets under a bankruptcy petition or deed of arrangement do not exceed *three thousand pounds*, the allowances to be made to a trustee or receiver for remuneration shall not exceed the scale of allowance set forth in the second Schedule to this Act, unless, upon special report of the committee of inspection (if any), or a majority in value of the creditors, setting forth the exceptional services which have been rendered by the trustee or receiver, or other special circumstances, the court think fit to order that additional remuneration may be allowed. Where the assets exceed *three thousand pounds* a fitting remuneration may be allowed

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by the court upon special report of the committee of inspection (if any), or of a majority in value of the creditors. A.D. 1878.

Trustee or receiver, if a solicitor, may be paid for services.

63. The committee of inspection may appoint a solicitor, but where the trustee or receiver is himself a solicitor he may contract to be paid a certain sum by way of per-centage or otherwise as a remuneration for his services as trustee or receiver, including all professional services.

Trustee or receiver to pay moneys into bank.

64. The trustee or receiver shall pay all sums from time to time received by him into such bank as the committee of inspection may appoint, and failing such appointment into the Bank of England; and in all cases where the estimated assets exceed *two hundred pounds*, the same shall be paid into a separate account to the credit of the particular matter; and if the trustee or receiver at any time keep in his hands any sum exceeding *fifty pounds* for more than *ten days* he shall be subject to the following liabilities; that is to say,

(1.) He shall pay interest at the rate of *twenty pounds per centum per annum* on the excess of such sum above *fifty pounds* as he may retain in his hands; and

(2.) Unless he can prove to the satisfaction of the court that his reason for retaining the money was sufficient, he shall, on the application of any creditor, be dismissed from his office by the court, and shall have no claim for remuneration, and be liable to any expenses to which the creditors may be put by or in consequence of his dismissal.

At the expiration of *two years* from the date of the provisional order, the trustee or receiver shall pay all moneys then in hand, and all moneys thenceforth received by him, into court in manner prescribed, unless under the special circumstances of any particular matter the court shall by order extend the time; and if he fail to make such payment, he shall pay interest at the rate of *twenty pounds per centum per annum* upon all sums which he shall so fail to pay in.

Return of accounts to comptroller.

65. The trustee or receiver shall from time to time, as may be prescribed, transmit to the comptroller in bankruptcy a statement showing what has been done under the bankruptcy petition under which he is a trustee or receiver up to the date of the statement, which statement shall be in the prescribed form as to details and otherwise; and any trustee or receiver failing to comply with this section shall be deemed guilty of a contempt of court, and be punishable accordingly.

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Duty of comptroller.

66. The comptroller shall examine the statements transmitted to him, and shall cause the trustee or receiver to account for any misfeasance, neglect, or omission, whether appearing on such statements or not, and may require the trustee or receiver to make good any loss which the estate of the debtor may have sustained by such misfeasance, neglect, or omission. If the trustee or receiver fail to comply with such requisition of the comptroller, the comptroller may report the matter to the court; and the court, upon reading the report, and after hearing the trustee or receiver, or in his absence if not appearing after notice, shall make such order as it thinks just in reference thereto.

Powers of comptroller.

67. The comptroller may at any time require any trustee or receiver to answer any inquiry made by him in relation to any matter in which such trustee or receiver is engaged, and may, if he think fit, apply to the court, in writing or otherwise, to examine on oath such trustee or receiver or any other person concerning such matter; he may also direct a local investigation to be made of the books and vouchers of the trustee or receiver.

Removal and Succession of Committee of Inspection, Trustee, and Receiver.

Regulations as to committee of inspection, trustee, and receiver.

68. The following regulations shall be made with respect to the committee of inspection, trustee, and receiver:

(1.) Any member of the committee of inspection may resign his office by notice in writing signed by him, and delivered to the registrar, and the trustee may resign with the consent of the committee of inspection, or with the sanction of an ordinary resolution of creditors:

(2.) Any member of the committee of inspection, or any trustee, may also be removed by a special resolution at any meeting of creditors of which the prescribed notice has been given, stating the object of the meeting:

(3.) If a provisional order is made against, or a deed of arrangement is filed by, a member of the committee of inspection or trustee, his office shall thereupon become vacant:

(4.) On any vacancy occurring in the office of a member of the committee of inspection by removal, death, resignation, or otherwise, the continuing members, if less than *three*, shall convene a meeting of creditors for the purpose of filling up such vacancy:

(5.) The continuing members of the committee of inspection may act, notwithstanding any vacancy in their body; and

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where the number of members of the committee of inspection is for the time being less than *five*, the creditors may increase that number so that it do not exceed *five*:

(6.) The committee of inspection may at its pleasure remove the trustee or receiver, and appoint another person to fill his office:

(7.) If any vacancy occur in the office of trustee or of a receiver appointed by the committee of inspection by death, resignation, or otherwise, the committee may fill up such vacancy:

(8.) The committee of inspection may by a majority of its members appoint one or more persons to the office of trustee, and where more than one are appointed the committee may declare that any act required or authorised to be done by the trustee may be done by any one or more of such persons, but all such persons are in this Act included under the term "trustee" and shall be joint tenants of the property of the debtor:

(9.) The property of the debtor shall pass from trustee to trustee, and shall vest in the trustee for the time being during his continuance in office, without any conveyance, assignment, or transfer whatever:

(10.) If through any cause whatever during the continuance of the proceedings under a bankruptcy petition there is no trustee or receiver, or a trustee or receiver ceases to act, the prescribed officer of the court may, by direction of the court, act as, and, if necessary, be appointed by the court, to be, such trustee or receiver:

(11.) Any defect or irregularity in the appointment of a trustee or receiver, or of a member of the committee of inspection, shall not vitiate any act bonâ fide done by him:

(12.) The court may at any time for good cause shown remove a trustee or any member of the committee of inspection.

Power of court, to annul on failure of creditors to appoint committee of inspection.

69. The first meeting of creditors may be adjourned from time to time and from place to place; but if, at such first meeting of creditors or at some adjournment thereof, by reason of the prescribed quorum not being present, or for any other reason whatever, neither a committee of inspection nor a trustee is appointed, the court may revoke the provisional order or annul the adjudication unless it deems it expedient to carry on the proceedings with the aid of the prescribed officer.

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PART VI.

CONSTITUTION AND POWERS OF COURT.

Description of Court.

Court to consist of London Court and County Courts.

70. The following provisions shall take effect with respect to the Courts having jurisdiction under this Act, and their officers; that is to say,

If the debtor against whom a bankruptcy petition is presented under this Act has resided or carried on business for the greater part of the *six months* immediately preceding the presentation of the petition within the London bankruptcy district as in this Act defined, or be not resident in England, then "the Court" shall mean, for the purposes of this Act, the Court of Bankruptcy in London as defined by this Act, and in this Act referred to as the London Bankruptcy Court:

If the debtor against whom a bankruptcy petition is presented, being resident in England, do not reside or carry on business within the London bankruptcy district, then "the Court" shall mean the County Court of the district in which such debtor has resided or carried on business for the longest period during the *six months* immediately preceding the presentation of the petition, which County Court is in this Act referred to as the local Bankruptcy Court:

A debtor may present a bankruptcy petition against himself or file a deed of arrangement either in "the Court" as above defined or in the Court within whose jurisdiction the majority in number and value of the creditors reside or carry on business; and the Court in which such petition is presented or deed filed shall have the jurisdiction accordingly.

Power of Court to make transfers.

71. Subject to the provisions of this Act, every Court having original jurisdiction in bankruptcy shall be deemed to be the same Court, and to have jurisdiction throughout England; and the London Bankruptcy Court may order any bankruptcy petition or deed of arrangement with the proceedings thereunder to be transferred from one Court to another, and any of the applications or proceedings under any bankruptcy petition or deed of arrangement to be made or prosecuted in any Court without regard to the district in which the debtor resided or carried on business; provided that any proceeding bonâ fide taken in any Court shall not be impeachable by reason of its appearing that the jurisdiction over

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such proceeding was in some other Court, but the Court in which such proceeding was so taken may transmit the papers to the proper Court, in order that such proceeding may be thereafter continued or dealt with in such proper Court.

Limits of London bankruptcy district.

72. The London bankruptcy district shall, for the purposes of this Act, comprise the following places; that is to say, the city of London and the liberties thereof, and all such parts of the metropolis and other places as are situated within the district of any County Court described as a Metropolitan County Court in the list contained in the third schedule to this Act.

Constitution of the London Bankruptcy Court.

73. The London Bankruptcy Court shall consist of a judge, to be called the Chief Judge in Bankruptcy, and, subject to the reservations of this Act with respect to the existing officers of the London Bankruptcy Court, of such number of registrars not exceeding four, clerks, ushers, and other subordinate officers, as may be determined by the Chief Judge with the sanction of the Treasury.

Subject to the reservations of this Act with respect to the existing Chief Judge, the office of Chief Judge in Bankruptcy shall be filled by such one of the judges of Her Majesty's High Court of Justice as may, with his assent, be assigned to hold such office by the Lord Chancellor; the judge so assigned shall hold the office of Chief Judge in Bankruptcy in addition to the office of judge in the Court to which he belongs. Any judge whose appointment as a judge of that Court, or of any Court whose jurisdiction has been transferred to the High Court has taken place since the passing of the Bankruptcy Act, 1869, shall after the passing of this Act, when required by the Lord Chancellor, perform the duties of Chief Judge in Bankruptcy.

Appointment of registrars and other officers.

74. Subject to the reservations in this Act with respect to the existing officers of the London Bankruptcy Court, the registrars, clerks, ushers, and other subordinate officers of the London Bankruptcy Court shall be appointed by the Chief Judge for the time being, and may be removed by him, and others appointed in their stead, if the judge is of opinion that they are negligent, unskilful, or untrustworthy in the performance of their duties, or ought in his opinion to be removed for any other just cause.

Appointment of comptroller and taxing masters.

75. There shall be two officers to be called the taxing masters, and also an officer to be called the comptroller in bankruptcy, and, subject to the reservations of this Act with regard to the existing taxing masters and comptroller, such officers shall be appointed by

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the Lord Chancellor, and hold office during his pleasure, *and shall be paid such salary as the Lord Chancellor may, with the sanction of the Treasury, direct.* The taxing masters and comptroller shall be provided with such office in London and with such clerks and servants as may be directed by the Lord Chancellor, with the approval of the Treasury. The clerks and servants in the office of the taxing masters shall be appointed by the Lord Chancellor *at such salaries as the Lord Chancellor with the sanction of the Treasury may determine.* The clerks and servants in the office of the comptroller shall be appointed and dismissible by the comptroller, and *there shall be allowed and paid to him such sum as the Treasury may from time to time direct for the expenses of his office and of such clerks and other persons as may be deemed necessary by the Treasury.*

CLAUSE A. Salaries of officers.

Subject as aforesaid, there shall be paid, out of moneys provided by Parliament, to the registrars, clerks, ushers, and other subordinate officers such salaries as the Chief Judge with the sanction of the Treasury may determine.

Duties of subordinate officers of Court.

76. Subject as aforesaid, the registrars, clerks, ushers, and other subordinate officers of the London Bankruptcy Court shall perform such duties as may from time to time be assigned to them by the Chief Judge with the assent of the Lord Chancellor.

Jurisdiction of the London Court of Bankruptcy.

77. The London Bankruptcy Court shall continue to be a Court of law and of equity and a principal Court of record, and the Chief Judge in Bankruptcy shall have all the powers, jurisdiction, and privileges possessed by any judge of Her Majesty's High Court of Justice, and the orders of such Court shall be of the same force as if they were judgments of the High Court of Justice. The Chief Judge in Bankruptcy may sit in chambers, and when in chambers shall have the same jurisdiction and exercise the same powers as if sitting in open Court.

Jurisdiction of County Courtjudges.

78. Every judge of a local Bankruptcy Court shall, for the purposes of this Act, in addition to his ordinary powers as a County Court judge, have all the powers and jurisdiction of a judge of the High Court of Justice, and the orders of such judge may be enforced accordingly in manner prescribed.

Powers of Court to delegate authority to registrar.

79. The Chief Judge in Bankruptcy and every judge of a local Bankruptcy Court may, subject to and in accordance with the rules of Court for the time being in force, delegate to the registrar or to any other officer of his Court such of the powers vested in him by this Act as it may be expedient for the judge to delegate to him.

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General power of Bankruptcy Courts.

80. Every Bankruptcy Court shall have full power to decide all questions of priorities, and all other questions whatsoever, whether of law or fact, arising under any bankruptcy petition or under any deed of arrangement filed in the Court, or any other matter coming within the cognizance of such Court, or which the Court may deem it expedient or necessary to decide for the purpose of doing complete justice or making a complete distribution of property in any such matter, and may enforce the provisions of any such deed of arrangement; and any such Court as aforesaid shall not be subject to be restrained in the execution of its powers by the order of any other Court, nor shall any appeal lie from its decisions except in manner directed by this Act; and if in any matter before the Court there arises any question of fact which the parties to be affected by the order of the Court desire to be tried before a jury instead of by the Court itself, or which the Court thinks ought to be tried by a jury, the Court may direct such trial to be had, and such trial may be had accordingly, in the London Bankruptcy Court in the same manner as if it were the trial of an issue in the High Court of Justice, and in the County Court in the manner in which jury trials in ordinary cases are by law held in such court.

Appeal from Courts.

81. Every Bankruptcy Court may review, rescind or vary any order made by it in pursuance of this Act. Any person aggrieved by any order of a local Bankruptcy Court in respect of a matter of fact or of law made in pursuance of this Act may appeal to the Chief Judge in Bankruptcy, and it shall be lawful for such judge to alter, reverse, or confirm such order as he thinks just. Any order made by the Chief Judge in Bankruptcy, whether in respect of a matter brought before him on appeal or not, shall be subject to an appeal to the Court of Appeal, and also, but only with the leave of the Court of Appeal, to the House of Lords, but no appeal shall be entertained under this Act except in conformity to such rules of Court as may for the time being be in force in relation to such appeal, and the Chief Judge in Bankruptcy and the Court of Appeal shall, in addition to the jurisdiction now possessed by them respectively under any Act now in force, have and exercise on the hearing of any appeal under this Act original jurisdiction, and also may direct any question of fact coming before them respectively on such appeal to be tried before them respectively, or before any other Court, with or without a jury.

Orders and Warrants of Courts.

Courts in England to be auxiliary

82. The London Bankruptcy Court, the local Bankruptcy Court, the Courts having jurisdiction in bankruptcy in Scotland and

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to other Courts, &c.

Ireland, and every British Court elsewhere having jurisdiction in bankruptcy or insolvency, and the officers of such Courts respectively, shall in all matters of bankruptcy or insolvency, and under any deed of arrangement, severally act in aid of and be auxiliary to each other for the purpose of proof of debt, examination of persons and witnesses, the enforcement of orders made by such Courts respectively, and all other purposes, and an order of the Court seeking aid, together with a request to another of the said Courts, shall enable the latter Court to exercise, in regard to the matters directed by such order, the like jurisdiction which the Court which made the request, as well as the Court to which the request is made, could exercise in regard to similar matters within their respective jurisdictions.

Warrants of Bankruptcy Courts.

83. Any warrant of a Court having jurisdiction in bankruptcy in England may be enforced in Scotland, Ireland, the Isle of Man, the Channel Islands, and elsewhere in Her Majesty's dominions, in the same manner and subject to the same privileges in and subject to which a warrant issued by any justice of the peace against a person for an indictable offence against the laws of England may be executed in such countries respectively in pursuance of the Acts of Parliament in that behalf; and any search warrant issued by a Court having jurisdiction in bankruptcy in England for the discovery of any property of a debtor may be executed in manner prescribed, or in the same manner and subject to the same privileges in and subject to which a search warrant for property supposed to be stolen may be executed according to law.

Commitment to prison.

84. Where any Court having jurisdiction in bankruptcy in England commits any person to prison, the commitment may be to such convenient prison as the Court thinks expedient, and if the gaoler of any prison refuses to receive any prisoner so committed he shall be liable for every such refusal to a penalty *not exceeding one hundred pounds.*

PART VII.

Supplemental Provisions.

Supplemental regulations as to proceedings under bankruptcy petition.

85. The following regulations shall be made with respect to proceedings under a bankruptcy petition; namely,

(1.) Every bankruptcy petition shall be accompanied by an affidavit of the petitioner in the prescribed form, verifying the statements contained in such petition, and shall thereupon be filed;

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(2.) Where two or more bankruptcy petitions are presented against the same debtor or against joint debtors, the court may consolidate the proceedings, or any of them, upon such terms as the court thinks fit:

(3.) Where the petitioner does not proceed with due diligence on his petition the court may substitute as petitioner any other creditor to whom the debtor may be indebted in the amount required by this Act in the case of a petitioning creditor:

(4.) Where the creditors resolve by a special resolution that, for reasons to be stated therein, it will be more convenient that the proceedings in any local bankruptcy court should be transferred to the London Bankruptcy Court or to some other local bankruptcy court, or where the judge of a local bankruptcy court certifies that in his opinion the proceedings would be more advantageously conducted in the London bankruptcy court or in some other local bankruptcy court, and the creditors do not by resolution object to the transfer, the bankruptcy petition shall be transferred to and all subsequent proceedings thereon had in the London Bankruptcy Court or such other local bankruptcy court:

(5.) A company or other body incorporated or authorised to sue may present a bankruptcy petition and may prove, vote, and otherwise act in any proceedings under a bankruptcy petition or deed of arrangement by an agent duly authorised on its behalf:

(6.) When a debtor by whom a bankruptcy petition has been presented or against whom a provisional order has been made dies, the proceedings shall be continued as if he were alive:

(7.) The court may at any time for sufficient reason make an order staying the proceedings under a bankruptcy petition either altogether or for a limited time on such terms and subject to such conditions as the court may think just:

(8.) The court may adjourn any petition, either conditionally or unconditionally, for the procurement of further evidence, or for any other just cause, or may dismiss the petition, with or without costs, as the court thinks just:

(9.) Any two or more persons being partners may take proceedings or be proceeded against under this Act in the name of their firm, but in such case the court may, on

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application by any person interested, order the names of the persons who are partners in such firm to be disclosed in such manner and verified on oath or otherwise, as the court may direct.

Joint Debtors.

Petition against partners or joint debtors.

86. Any creditor whose debt is sufficient to entitle him to present a petition against all the members of a partnership or against all of several joint debtors may present such petition against any one or more of such persons without including the others.

Power to dismiss petition against some respondents only.

87. Where there are more respondents than one to a petition the court may dismiss the petition as to one or more of them, without prejudice to the effect of the petition as against the other or others of them.

Property of partners to be vested in same trustee.

88. Where a provisional order has been made on a bankruptcy petition by or against one member of a partnership any other bankruptcy petition by or against a member of the same partnership shall be filed in or transferred to the court in which the first-mentioned petition is in course of prosecution, and, unless the court otherwise directs, the same trustee or receiver shall be appointed as may have been appointed in respect of the property of the first-mentioned member of the partnership, and the court may give such directions for consolidating the proceedings under such petitions as it thinks just.

Provisional order against partners may be extended to separate estates.

89. Where a provisional order has been made against all the members of a partnership, or against several joint debtors, the operation of such order shall in the first instance be limited to the debts jointly due from such partners or debtors, and the joint property of such partners or debtors, but the court may on sufficient cause being shown by any joint or separate creditor before or at the first general meeting or within the prescribed time thereafter, direct such provisional order to apply to the separate debts and properties of such partners or debtors or of some or one of them, and such order shall apply and have effect accordingly; and in any such case, if the separate creditors think fit, there may be a separate committee of inspection or trustee of the separate property of any of the partners or joint debtors, and in that event such separate property shall be dealt with under the provisions of this Act according to the circumstances of the case: Provided always, that nothing in this section shall prejudice or affect any disposition made by the debtor in good faith and for

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valuable consideration of or in reference to the separate property to which such provisional order shall be so directed to apply, in the interval between the date of the provisional order and the date when such direction shall have been given. A.D. 1878.

Joint creditor may prove for purpose of voting.

90. If a provisional order is made against one member of a partnership, any creditor to whom that partner is indebted jointly with the other partners of the firm, or any of them, may prove his debt for the purpose of voting at any meeting of creditors, and shall be entitled to vote at such meeting, but shall not receive any dividend out of the separate property of the first-mentioned partner until all the separate creditors have received the full amount of their respective debts.

Actions by trustee and committee and debtor's partner.

91. Where a provisional order is made against a member of a partnership, the court may authorise the trustee or committee of inspection to commence and prosecute any action in the names of the trustee or committee and of the debtor's partner; and any release by such partner of the debt or demand to which the action relates shall be void; but notice of the application for authority to commence the action shall be given to such partner, who may show cause against it, and on his application the court may, if it thinks fit, direct that he shall receive his proper share of the proceeds of the action, and shall, if no benefit be claimed by him therefrom, be indemnified against costs in respect thereof as the court directs.

Saving as to joint contracts.

92. Where the debtor is a contractor in respect of any contract jointly with any other person or persons, such person or persons may be sued, and if no action be pending at the suit of the committee of inspection or trustee in respect thereof, may sue in respect of such contract without the joinder of the debtor.

Provisional order in case of absent or lunatic member of a firm.

93. When a provisional order has been made against a member or members of a firm, and any one or more other persons being a member or members of the same firm is or are absent beyond the seas, or of unsound mind (whether so found by inquisition or not, and whether such other person or persons has or have not committed an act or acts of bankruptcy), the London Bankruptcy Court shall have jurisdiction, after giving the prescribed notices, to make a provisional order for the administration of the joint property of the members of the firm on its being proved to the satisfaction of the court that the firm are unable to pay their debts as they become due; but it shall not be lawful to adjudge any member a bankrupt under this section. Upon such order being made, the property of the firm shall vest in the trustee or trustees appointed under the

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bankruptcy petition, and shall be administered in all respects as if a bankruptcy petition had been presented and a provisional order had been made in the first instance against all the members of the firm.

As to Discovery of Debtor's Property.

Power of Court to summon persons in reference to property of debtor.

94. The court may, at any time after a bankruptcy petition or deed of arrangement has been filed against or by a debtor, summon before it the debtor or his wife, or any person whatever known or suspected to have in his possession any of the property of the debtor, or supposed to be indebted to the debtor, or any person whom the court may deem capable of giving information respecting the debtor, or his property, his trade, or dealings, or affairs, and the court may require any such person to produce any documents in his custody or power relating to the debtor, or his property, trade, or dealings, or affairs; and if any person so summoned, after having been tendered a reasonable sum, refuses to come before the court at the time appointed, or refuses to produce such documents, having no lawful impediment made known to the court at the time of its sitting and allowed by it, the court may, by warrant addressed as provided by this Act, cause such person to be apprehended and brought before it for examination.

Examination of parties by Court.

95. The court may examine upon oath, either by word of mouth or by written interrogatories, any person so summoned or brought before it or any person being present before the court concerning the debtor, or his property, trade, or dealings, or affairs.

Order of Court for payment of amount admitted on examination.

96. If any person on examination before the court admit that he is indebted to the debtor, the court may, on the application of the trustee, order him to pay to the trustee, at such time and in such manner as to the court seems expedient, the amount admitted, or any part thereof, either in full discharge of the whole amount in question or not, as the court thinks fit, with or without costs of the examination.

Power of Court to order examination out of England.

97. The court may order the examination elsewhere than in England of the debtor or his wife or any other person respecting the debtor, or his property, his trade, or dealings, or affairs, which order shall be enforced as in this Act provided.

Seizure of property of debtor.

98. Any person acting under warrant of the court may seize any property of the debtor divisible amongst his creditors under this Act, and in the debtor's custody or possession, or in that of

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any other person, and with a view to such seizure may break open any house, building, or room of the debtor where the debtor is supposed to be, or any building or receptacle of the debtor where any of his property is supposed to be; and where the court is satisfied that there is reason to believe that property of the debtor is concealed in a house or place not belonging to him, the court may, if it thinks fit, grant a search warrant to any constable or prescribed officer of the court, who may execute the same according to the tenor thereof.

Arrest of debtor under certain circumstances.

99. The court may, by warrant addressed to any constable or prescribed officer of the court, cause a debtor to be arrested, and any books, papers, moneys, goods, and chattels in his possession to be seized, and him and them to be safely kept as prescribed until such time as the court may order, under the following circumstances:

(1.) If, after a bankruptcy petition has been presented against or by such debtor, it appear to the court that there is probable reason for believing that he is about to go abroad or to quit his place of residence with a view of avoiding service of the petition or of avoiding appearing to the petition, or of avoiding examination in respect of his affairs, or otherwise delaying or embarrassing the proceedings under the petition; or,

(2.) If, after a bankruptcy petition has been presented against or by such debtor, it appear to the court that there is probable cause for believing that he is about to remove his goods or chattels with a view of preventing or delaying such goods or chattels being taken possession of by the trustee or receiver, or that there is probable ground for believing that he has concealed or is about to conceal or destroy any of his goods or chattels, or any books, documents, or writings which might be of use to his creditors in the course of the proceedings; or,

(3.) If, after a bankruptcy petition has been filed by or served on such debtor, he remove any goods or chattels in his possession above the value of *five pounds*, without the leave of the trustee or receiver, or if, without good cause shown, he fails to attend any examination ordered by the court.

Post letters addressed to debtor.

100. The court, upon the application of the trustee or receiver, may from time to time order that, for such time as the court thinks fit, not exceeding *three months* from the date of such order, post letters addressed to the debtor at any place or places mentioned

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in the order shall be re-directed, sent, or delivered by the Postmaster General, or the officers acting under him, to the trustee or receiver, or otherwise as the court directs, and the same shall be done accordingly.

As to Dealings with certain Property.

Proceeds of sale of goods seized.

101. When the goods of any trader have been taken in execution in respect of a judgment and sold, the officer of the court from which the process issued shall, if he have no notice of a bankruptcy petition having been presented against or by or of a deed of arrangement having been filed by such trader, pay the balance of the proceeds of sale (after deducting expenses) into the same court; but if he have notice of such petition or deed he shall hold the said balance upon trust to pay the same to the trustee or receiver or other person entitled thereto under the petition or deed. If no such petition or deed be filed by or against the trader within four weeks after the sale under such execution, the execution creditor shall (subject and without prejudice to any other provisions of this Act) be entitled to such balance, but otherwise the same shall be divisible among the creditors of the trader.

As to delivery of goods seized by sheriff to receiver.

102. When the goods of any trader have been taken in execution in respect of a judgment, and not sold before the officer of the court from which the process issued shall have received notice of the appointment of a receiver under a bankruptcy petition presented against or by the debtor, or under a deed of arrangement, such officer shall forthwith after receipt of the notice deliver up such goods to the receiver, and the costs incurred by such officer in respect of such execution shall be paid out of the property of the debtor.

Creditor issuing execution or attachment must seize and sell before bankruptcy.

103. A creditor who has levied execution on the goods and chattels of the debtor, or has made an attachment thereof under any custom or statute, shall not be entitled to retain the benefit of such execution or attachment, unless and so far as he has, before the filing of a bankruptcy petition against or by such debtor, enforced such execution by sale of the property seized, or enforced such attachment by actual possession of the moneys attached, or (as the case may be) by sale of the property attached.

Goods, &c. taken in execution to be sold by auction.

104. Where the goods and chattels of a debtor are sold under an execution upon any judgment recovered against him for a sum exceeding fifty pounds, such goods and chattels shall in all cases be sold by the officer of the court from which the process issued

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by public auction and not by bill of sale or private contract, and such sale shall be publicly advertised by the officer as a sale under an execution on and during *three days* next preceding the day of sale. A.D. 1878.

Sequestration of ecclesiastical benefice.

105. Where a debtor is a beneficed clergyman, the trustee may apply for a sequestration of the profits of the benefice, and the certificate of the appointment of the trustee or receiver shall be sufficient authority for the granting of sequestration without any writ or other proceeding, and the same shall accordingly be issued as on a writ of levari facias founded on a judgment against the debtor, and shall have priority over any other sequestration issued after the commencement of the bankruptcy, except a sequestration issued before the date of the provisional order by or on behalf of a person who at the time of the issue thereof had not notice of an act of bankruptcy committed by the debtor, and available against him for adjudication; but the sequestrator shall allow out of the profits of the benefice to the debtor, while he performs the duties of the benefice, such an annual sum, payable quarterly, as the bishop of the diocese in which the benefice is situate directs, not exceeding in amount such or the like stipend as the bishop might by law have appointed to a curate duly licensed to serve the benefice in case the debtor had been non-resident: Provided always, that nothing in this section contained shall prejudice the provisions of the fifteenth section of the Act of the session of the first year of the reign of Her present Majesty, chapter twenty-three, or the provisions of the Ecclesiastical Dilapidations Act, 1871, or the Sequestration Act, 1871, or any mortgage or charge duly created under any Act of Parliament before the commencement of the bankruptcy upon the profits of the benefice.

Appropriation of portion of pay of officers to creditors.

106. Where a debtor is or has been an officer of the army or navy, or an officer or clerk or otherwise employed or engaged in the civil service of the Crown, or is in the enjoyment of any pension or compensation granted by the Treasury, the trustee shall receive for distribution amongst the creditors so much of the debtor's pay, half pay, salary, emolument, or pension as the court, upon the application of the trustee, thinks just and reasonable, to be paid in such manner and at such times as the court, with the consent in writing of the chief officer of the department under which the pay, half pay, salary, emolument, pension, or compensation is enjoyed directs.

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Appropriation of portion of salary to creditors.

107. Where a debtor is in the receipt of a salary or income other than as aforesaid, the court, upon the application of the trustee, shall from time to time make such order as it thinks just for the payment of such salary or income, or of any part thereof, to the trustee, to be applied by him in such manner as the court may direct.

Avoidance of voluntary settlements.

108. Any settlement of property made by a trader, not being a settlement made before and in consideration of marriage, or made in favour of a purchaser or incumbrancer in good faith and for valuable consideration, or a settlement made on or for the wife or children of the settlor of property which has accrued to the settlor after marriage in right of his wife, shall, if a provisional order take effect against the settlor within *two years* after the date of such settlement, be void as against the trustee or receiver under this Act, and shall, if a provisional order take effect against the settlor at any subsequent time within *ten years* after the date of such settlement, unless the parties claiming under such settlement can prove that the settlor was at the time of making the settlement able to pay all his debts without the aid of the property comprised in such settlement, be void against such trustee or receiver. Any covenant or contract made by a trader, in consideration of marriage, for the future payment of money to his wife, or children, or to a trustee for them, or for the future settlement upon or for his wife or children of any money or property wherein he had not at the date of his marriage any estate or interest, whether vested or contingent, in possession or remainder, and not being money or property of or in right of his wife, shall, if a provisional order take effect against him before such property or money has been actually transferred or paid pursuant to such contract or covenant, be void against the trustee or receiver under this Act.

"Settlement" shall for the purposes of this section include any conveyance, gift, or transfer of property.

Avoidance of fraudulent preferences.

109. Every conveyance or transfer of property, or charge thereon, every payment, every obligation, and every judicial proceeding made, incurred, taken, or suffered by any person unable to pay his debts as they become due from his own moneys in favour of any creditor, or any person in trust for any creditor, with a view of giving such creditor a preference over the other creditors, shall, if a provisional order take effect against the person making, taking, paying, or suffering the same within *six months* after the date of

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making, taking, paying, or suffering the same, be deemed fraudulent and void as against the trustee or receiver under this Act. A.D. 1878.

Payment of money by agents to trustee or receiver.

110. Any treasurer or other officer, or any banker, attorney, or agent of a debtor shall pay and deliver to the trustee or receiver all moneys and securities in his possession or power, as such officer or agent, which he is not by law entitled to retain as against the debtor or the trustee or receiver; if he do not he shall be guilty of a contempt of court, and may be punished accordingly on the application of the trustee or receiver.

Protection of certain transactions entered into by or in relation to the property of the debtor.

111. Subject and without prejudice to the provisions of this Act relating to the proceeds of the sale of goods of a trader which have been seized, and to the provisions of this Act and every other Act avoiding, on the ground of their being fraudulent, certain settlements, conveyances, transfers, charges, payments, obligations, and judicial proceedings, the following dealings and transactions relating to the property of the debtor, if they take place before the filing of the bankruptcy petition, shall be valid, notwithstanding any prior act of bankruptcy committed by the debtor; that is to say,

Every payment by the debtor to any of his creditors, and every payment or delivery to him, and every conveyance or assignment for valuable consideration by him, and every contract, dealing, and transaction for valuable consideration by and with him, and every execution and attachment against his lands executed by seizure, and every execution and attachment against his goods and chattels executed and levied by seizure and sale; provided that the person to, by, or with whom such payment, delivery, conveyance, assignment, contract, dealing, or transaction was made, executed, or entered into, or at whose suit or on whose account every such execution or attachment was issued, had not at the time of such payment, delivery, conveyance, assignment, contract, dealing, or transaction, or at the time of the executing or levying of such execution or attachment, or at the time of the making of any sale thereunder, notice of any act of bankruptcy committed by the debtor and available for adjudication against him at the time of the filing of the petition.

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PART VIII.

GENERAL PROVISIONS.

Evidence.

Evidence of proceedings at meeting of creditors.

112. The registrar, or any other person presiding at a general meeting of creditors under this Act, shall cause the resolutions and proceedings of such meeting to be filed; and any such resolutions or proceedings, if purporting to be signed by the registrar or chairman of the meeting at which such resolutions were passed or proceedings had, shall be received as evidence in all legal proceedings; and, until the contrary is proved, every such general meeting of creditors shall be deemed to have been duly held and convened, and all resolutions passed or proceedings had thereat to have been duly passed and had.

As to swearing Affidavits.

113. Any affidavit to be used in a Bankruptcy Court may be sworn before any person authorised to administer oaths in the High Court of Justice or before any judge or registrar or any officer of a Bankruptcy Court (including any clerk to a registrar), who may be nominated in writing by the judge of the Court or before any other prescribed person.

Evidence of proceedings in bankruptcy.

114. Any bankruptcy petition or copy thereof, any order or copy of an order made by any Bankruptcy Court, any certificate or copy of a certificate made by any Bankruptcy Court, any deed of arrangement or copy thereof, and any other instrument or copy of an instrument, affidavit, or document made or used in the course of any proceedings under this Act, may, if any such document or instrument or copy appears to be sealed with the seal of any Bankruptcy Court, or purports to be signed by the judge, or certified to be a true copy by the registrar, of any Bankruptcy Court, be receivable in evidence in all legal proceedings whatever.

Gazette to be evidence.

115. Notice of the provisional order, and of the order for bankruptcy, shall be gazetted in the prescribed form, and the production of a copy of the London Gazette containing such notice shall be conclusive evidence in all legal proceedings that the provisional order was duly made, or (as the case may be) that the debtor against whom the order for bankruptcy has been made has been duly adjudged bankrupt, and also conclusive evidence of the date of such Provisional Order and of the date of such adjudication.

Death of witness.

116. In case of the death of the debtor or his wife, or of a witness whose evidence has been received by any Bankruptcy Court in any proceeding under this Act, the deposition of the person so

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deceased, purporting to be sealed with the seal of the Court, or a copy thereof purporting to be so sealed, shall be admitted as evidence of the matters therein deposed to. A.D. 1878.

117. Every Bankruptcy Court shall have a seal describing such Court in such manner as may be directed by order of the Lord Chancellor, and judicial notice shall be taken of such seal, and of the signature of the judge or registrar of any such Court, in all legal proceedings. Bankruptcy Courts to have seals.

118. Every deed, conveyance, assignment, surrender, admission, or other assurance relating solely to freehold, leasehold, copyhold, or customary property, or to any mortgage, charge, or other incumbrance on, or any estate, right, or interest in any real or personal property which is part of the estate of any debtor under this Act, and which, after the execution of such deed, conveyance, assignment, surrender, admission, or other assurance, either at law or in equity, is or remains the property of the debtor or of the trustee, and every power of attorney, proxy paper, writ, order, certificate, affidavit, bond, or other instrument or writing relating solely to the property of any such debtor, or to any proceeding under this Act, shall be exempt from stamp duty (except in respect of fees under this Act). Exemption of deeds, &c. from stamp duty.

119. The Court shall from time to time, on being satisfied of the due appointment of a trustee or receiver, grant a certificate declaring the person so appointed to be trustee or receiver of the property named in the certificate, and such certificate shall be conclusive evidence of the due appointment of such trustee or receiver; and the certificate of appointment of a trustee granted by the Court shall, for all purposes of any law in force in any part of the British dominions requiring registration, enrolment, or recording of conveyances or assignments of property, be deemed to be a conveyance or assignment of property, and may be registered, enrolled and recorded accordingly. Certificate of appointment of trustee and receiver.

General Rules.

120. The Lord Chancellor, with the advice of the Chief Judge in Bankruptcy, may from time to time make, and may from time to time revoke and alter, general rules, in this Act described as rules of Court, for the effectual execution of this Act, and of the objects thereof, and the regulation of the practice and procedure thereunder. General rules to be made by Lord Chancellor, with advice of Chief Judge.

Any general rules made as aforesaid may prescribe regulations as to the service of bankruptcy petitions and bankruptcy notices

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under this Act, including provisions for substituted service; as to the appointment and use of proxies; as to the valuing of any debts for the purpose of proof; as to the valuation of securities held by creditors; as to the giving or withholding interest or discount on or in respect of debts or dividends; as to the duties of the committee of inspection, and the duties and remuneration of trustees and others, and the giving of security by them, and the transmission by them of statements to the comptroller, and audit of their accounts; as to the funds out of which costs are to be paid, the order of payment, and the amount and taxation thereof; and as to any other matter or thing, whether similar or not to those above enumerated, in respect to which it may be expedient to make rules for carrying into effect the objects of this Act; and any rules so made shall be deemed to be within the powers conferred by this Act, and shall be of the same force as if they were enacted in the body of this Act.

Any rules made in pursuance of this section shall be laid before Parliament within *three weeks* after they are made, if Parliament be then sitting, and if Parliament be not then sitting, within *three weeks* after the beginning of the then next session of Parliament, and any rules so made shall be judicially noticed.

Until rules have been made in pursuance of this Act, and so far as such rules do not extend, the principles, practice, and rules on which Courts having jurisdiction in bankruptcy have heretofore acted in dealing with bankruptcy proceedings shall be observed by any Court having jurisdiction under this Act.

Miscellaneous.

Computation of time.

121. Where by this Act, or any rule made in pursuance thereof, any limited time from or after any date or event is appointed or allowed for the doing of any act or the taking of any proceeding, then in the computation of such limited time the same shall be taken as exclusive of the day of such date or of the happening of such event, and as commencing at the beginning of the next following day; and the act or proceeding shall be done or taken at the latest on the last day of such limited time according to such computation, unless such last day is a Sunday, Christmas Day, Good Friday, or Monday or Tuesday in Easter Week, or a day appointed for public fast, humiliation, or thanksgiving, or a day on which, in pursuance of a notification by the Lord Chancellor under this Act, the Court does not sit, or the offices thereof are closed, in which case any act or proceeding shall be considered as

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done or taken in due time if it is done or taken on the next day afterwards, not being one of the days in this section specified.

Where by this Act, or any rule made in pursuance thereof, any act or proceeding is directed to be done or taken on a certain day, then if that day happens to be one of the days in this section specified, such act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards, not being one of the days in this section specified; and where any limited time less than six days from or after any date or event is appointed or allowed for doing any act or taking any proceeding, Sunday, Christmas Day, and Good Friday shall not be reckoned in the computation of such limited time.

Scale of fees.

The Lord Chancellor shall, with the sanction of the Treasury, from time to time prescribe what fees and duties shall be charged or levied for or in respect of business done under this Act; and the Treasury shall direct whether the same are to be imposed by stamps or otherwise, and by whom and in what manner the same are to be collected, accounted for, and appropriated, and whether any and what remuneration is to be allowed to any person performing any duties under this section.

Formal defects not to invalidate proceedings.

122. Proceedings under this Act shall not be invalidated by any formal defect or by any irregularity, unless the Bankruptcy Court or other Court before which an objection is made to such proceeding is of opinion that substantial injustice has been caused by such defect or irregularity, and that such injustice cannot be remedied by any order of such Court.

Change of jurisdiction by Lord Chancellor.

123. Notwithstanding anything in this Act contained, the Lord Chancellor may from time to time, by order under his hand, exclude any County Court from having jurisdiction in bankruptcy, and for the purposes of bankruptcy jurisdiction may attach its district or any part thereof to the London Bankruptcy Court, or any other County Court or Courts, and may from time to time revoke or alter any order so made.

Expenses of registrar attending meetings, &c.

124. Where a registrar under the authority of this Act attends at any place for the purpose of presiding at a meeting of creditors, or of receiving proofs, or of otherwise acting under this Act, his travelling and incidental expenses incurred in so doing, and those of any clerk or officer attending him, shall, after being settled by the Court, be paid out of the debtor's property, if sufficient, and otherwise *shall be deemed part of the expenses of the Court.*

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Power of assignee to sue.

125. Any person to whom any thing in action belonging to the debtor is assigned in pursuance of this Act may bring or defend any action relating to such thing in action in his own name.

Preferential claim in case of apprenticeship.

126. Where at the time of the presentation of the bankruptcy petition any person is apprenticed or is an articled clerk to the debtor, the provisional order shall, if either the debtor or apprentice or clerk give notice in writing to the trustee or receiver to that effect, be a complete discharge of the indenture of apprenticeship or articles of agreement; and if any money has been paid by or on behalf of such apprentice or clerk to the debtor as a fee, the trustee or receiver may, on the application of the apprentice or clerk, or of some person on his behalf, pay such sum as such trustee or receiver, subject to an appeal to the Court, thinks reasonable, out of the debtor's property, to or for the use of the apprentice or clerk, regard being had to the amount paid by him or on his behalf, and to the time during which he served with the debtor under the indenture or articles before the date of the provisional order, and to the other circumstances of the case.

Judges and officers in bankruptcy to be ineligible to sit in Parliament.

127. Any judge, registrar, or officer attached to any Bankruptcy Court shall not, during his continuance in office, be capable of being elected or sitting as a member of the House of Commons; and a registrar or officer of such Court shall not during his continuance in office, either directly or indirectly, by himself or partner, or agent, act as a solicitor in any proceeding under this Act in any Court of which he is registrar or officer, or in any appeal from such Court, or in any prosecution of a debtor by order of such Court, under pain of dismissal by the judge; and such dismissal shall be in writing, stating the reasons for the same; and a copy thereof shall be sent to the Chief Judge in Bankruptcy, who, if he see fit, may reinstate such registrar or officer.

Solicitors of Supreme Court may practise in Bankruptcy Court.

128. Every solicitor of the Supreme Court of Judicature shall be and may practise as a solicitor of and in any Bankruptcy Court, and as to all matters in Court or in Chambers, may appear and be heard without being required to employ counsel; and if any person not being such solicitor practises in any Bankruptcy Court as solicitor, he shall be deemed guilty of a contempt of the Court.

Removal of debtor from trusteeship.

129. Where a provisional order is made against a debtor, and such debtor is a trustee within the Trustee Act, 1850, section thirty-two of that Act shall have effect so as to authorise the High Court of Justice to appoint a new trustee in substitution for

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the debtor (whether voluntarily resigning or not), if it appears to such Court expedient to do so, and all provisions of that Act, and of any other Act relative thereto, shall have effect accordingly.

Saving as to debts contracted prior to August 1861.

130. A provisional order shall not be made against a non-trader in respect of a debt contracted before the date of the passing of the Bankruptcy Act, 1861.

Undischarged debtors under previous Acts may apply for orders of discharge under this Act.

131. The Court may grant an order of discharge to any debtor heretofore bankrupt, or whose affairs have been liquidated by arrangement, and who may not have obtained an order of discharge, in like manner and with the like consent of creditors (if required), and subject to the like provisions and with the like consequences as is or are in this Act mentioned in reference to the granting a discharge to a bankrupt under this Act, and for this purpose in a case of liquidation by arrangement the date of the registration of the resolution shall be equivalent to the date of the first meeting of creditors under a bankruptcy.

Construction of Acts mentioning commission of bankruptcy, &c.

132. Where in any Act of Parliament, instrument, or proceeding passed, executed, or taken before the commencement of the Bankruptcy Act, 1869, mention is made of a commission of bankruptcy or fiat in bankruptcy, the same shall be construed, with reference to the proceedings under a bankruptcy petition, as if a commission of or a fiat in bankruptcy had been actually issued at the time of the presentation of such petition.

Solicitation for proxies and appointments.

133. Where it appears to the satisfaction of the Court that any solicitation has been used by or on behalf of a trustee or receiver in obtaining proxies or in procuring the trusteeship or receivership, except by the direction of a meeting of creditors, the Court shall have power, if it think fit, to order that no remuneration shall be allowed to the person by whom or on whose behalf such solicitation may have been exercised, notwithstanding any resolution of the committee of inspection or of the creditors to the contrary.

Power to revoke provisional order and annul adjudication and consequences thereof.

134. The Court may at any time for sufficient reason revoke the provisional order or annul the adjudication, but in such case all sales and dispositions of property and payments duly made, and all acts theretofore done by the trustee or receiver, or any person acting under his authority, or by the Court, shall be valid, but the property of the debtor shall in such case vest in such person as the Court may appoint, or in default of any such appointment revert to the debtor for all his estate or interest therein upon such terms

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and subject to such conditions, if any, as the Court may declare by order. A copy of the order of revocation or annulment, unless such order has been made on cause shown by the debtor in the first instance, may be forthwith published in the London Gazette and advertised locally in the prescribed manner, and the production of a copy of the Gazette containing such order of revocation or annulment, shall be conclusive evidence of the fact of such revocation or annulment, and of the terms of the order.

Acts of creditors at meeting.

135. Where it is in this Act provided that anything may be done by or with the sanction of creditors, at a meeting, such thing may be done by or with the sanction of an ordinary resolution of creditors.

Application of Act to married women.

136. A married woman who has contracted any debts otherwise than as the agent of her husband, or some other person, shall be liable in respect of her separate estate to all the provisions of this Act, and shall be entitled in respect of her debts to the benefit of all the provisions of this Act, but she shall not be adjudged bankrupt under this Act.

Court may remove trustee or inspector of deed and appoint new one.

137. The Court may at any time for sufficient cause shown remove any trustee or inspector under a deed of arrangement, and the Court may, if it deem it expedient so to do, appoint a new trustee or new inspector of any such deed in place of any trustee or inspector who may be so removed or whose office may for any other reason become vacant, and in any such removal or appointment the Court may have regard to the wishes of the creditors and to the provisions of the deed, and may make such vesting orders and other orders as it thinks fit; and upon any such vesting order being made the property comprised therein shall vest according to the tenor thereof in the person or persons therein named in that behalf without any conveyance or assignment for the purpose, and such vesting order shall not be liable to any stamp duty.

Payment of moneys and filing of accounts under deed of arrangement.

138. Every trustee or inspector under a deed of arrangement shall at the expiration of *two years* from the date of the confirmation of the deed, in manner prescribed file in the court a statement of the property comprised in such deed and of the disposition or application of the same, and (unless the Court shall under the special circumstances of the case by order extend the time) pay all monies then in his hands or under his control in respect of the estate of the arranging debtor, and all monies which may be thenceforth received by or come under the control of such trustee or inspector in respect of such estate into Court, in like manner and under the

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like penalty as if he were a trustee under a bankruptcy petition, filed by or against the arranging debtor; the Court may also, if it thinks fit, at any time during the progress of a deed of arrangement, upon the application of any person interested, order any trustee or inspector under a deed of arrangement to file in the Court a statement of the property comprised in such deed and of the disposition or application of the same, or of any part or parts thereof which may be specified or indicated in the order.

Returns by bankruptcy officer.

139. The registrars and other officers of the bankruptcy courts shall make to the comptroller in bankruptcy such returns of the business of their respective courts and offices, at such times and in such manner and form as may be prescribed, and from such returns the comptroller shall, in manner prescribed, frame books (which shall be, under the regulations of the rules of Court, open for public information and searches), and also a general annual report to the Lord Chancellor, judicial and financial, respecting all matters within this Act, which report shall be laid before both Houses of Parliament.

Superannuation of officers, &c.

The registrars, taxing officers, official assignee, clerks and other persons who held their offices at the passing of the Bankruptcy Act, 1869, and who were continued in their offices, and who have since retired, or shall hereafter retire therefrom, shall continue to be entitled to such annuity or superannuation allowance as they would have been entitled to receive if the Bankruptcy Act, 1869, and the Bankruptcy Repeal and Insolvent Court Act, 1869, and this Act had not passed, and they had continued in their offices under the previously existing Acts; and for the purpose of ascertaining the right to such annuity or allowance, any such person as aforesaid who became an officer of the Bankruptcy Court before the passing of the Superannuation Act, 1866, if afflicted with any permanent infirmity disabling him from the due execution of his office shall be deemed to be entitled thereto within the meaning of the thirty-third section of the Bankruptcy Act, 1861, whether he became so disabled after or before the period of twenty years service completed by him. All clerks to the registrars, to the official assignee, or to the messenger of the London Bankruptcy Court who were appointed previously to the passing of the Superannuation Act, 1866, shall be deemed to be officers of the Court of Bankruptcy within the meaning of the thirty-third section of the Bankruptcy Act, 1861. Any person who since the passing of the Bankruptcy Act, 1869, has been appointed, or who may be hereafter appointed an officer or clerk of the London Bankruptcy Court, shall be entitled

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to superannuation allowance under the provisions of the Superannuation Act, 1866.

Transfer of estates from registrars of London Court to official assignee, and provision for filling vacancy in office of assignee.

140. In every bankruptcy under the Bankruptcy Act, 1869, where any registrar of the London Bankruptcy Court is or would hereafter, but for this enactment, become the trustee under such bankruptcy, the official assignee of the said court shall, from and after the passing of this Act, be the trustee in the place of such registrar trustee, and the property of the bankrupt shall pass to and vest in such official assignee accordingly; and if at any time after the passing of this Act a vacancy shall occur in the said office of official assignee the Lord Chancellor may appoint a fit person to fill such vacancy, and upon such appointment all estates, effects, and property vested at the time of the vacancy in such officer shall pass to and become vested in the person so appointed, and the like appointment and vesting shall be made and take effect from time to time as occasion requires.

PART IX.

PERSONS HAVING PRIVILEGE OF PARLIAMENT.

Privilege of Parliament not to prevent adjudication in bankruptcy.

141. If a person having privilege of Parliament commits an act of bankruptcy he may be dealt with under this Act in like manner as if he had not such privilege.

As to provisional order against peers.

142. The provisions of the Bankruptcy Disqualification Act, 1871, in reference to the bankruptcy of a peer, shall apply to the case of a peer against whom a provisional order has been made under this Act.

Vacating of seat in House of Commons.

143. If a provisional order or an absolute order for bankruptcy be made against any person being a member of the Commons House of Parliament, he shall be and remain during *one year* from the date of the order incapable of sitting and voting in that House, unless within that time the order is revoked or annulled, or the creditors who prove debts under the bankruptcy petition, are fully paid or satisfied.

Provided that such debts (if any) as are disputed by the debtor shall be considered, for the purpose of this section, as paid or satisfied if within the time aforesaid he enters into a bond, in such sum and with such sureties as the Court approves, to pay the amount to be recovered in any proceeding for the recovery of or concerning such debts, together with any costs to be given in such proceedings.

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Certificate to be given by the Court to the Speaker.

144. If within the time aforesaid the provisional order or absolute order is not revoked or annulled, or the debts of the debtor are not fully paid or satisfied as aforesaid, then the Court shall, immediately after the expiration of that time, certify the same to the Speaker of the House of Commons, and thereupon the seat of such member shall be vacant.

Speaker to issue new writ.

145. Where the seat of a member so becomes vacant the Speaker during a recess of the House, whether by prorogation or by adjournment, shall forthwith, after receiving such certificate, cause notice thereof to be published in the London Gazette; and after the expiration of *six days* after such publication shall (unless the House has met before that day, or will meet on the day of the issue,) issue his warrant to the clerk of the Crown to make out a new writ for electing another member in the room of the member whose seat has so become vacant.

Provisions of 24 Geo. 3. sess. 2. c. 26. extended to case of bankruptcy.

146. The powers of the Act of the twenty-fourth year of the reign of King George the Third, chapter twenty-six, "to repeal so "much of two Acts made in the tenth and fifteenth years of the "reign of his present Majesty as authorises the Speaker of the "House of Commons to issue his warrant to the clerk of the Crown "for making out writs for the election of members to serve in "Parliament in the manner therein mentioned; and for substi-"tuting other provisions for the like purposes," so far as such powers enable the Speaker to nominate and appoint other persons, being members of the House of Commons, to issue warrants for the making out of new writs during the vacancy of the office of Speaker, or during his absence out of the realm, shall extend to enable him to make the like nomination and appointment for issuing warrants, under the like circumstances and conditions, for the election of a member in the room of any member whose seat becomes vacant under this Act.

PART X.

Unclaimed or undistributed Funds and Dividends.

Unclaimed or undistributed dividends to vest in the Crown, &c.

147. All unclaimed or undistributed funds or dividends in the hands of any persons who may have been empowered to collect, receive, or distribute any funds or dividends under any Act of Parliament mentioned in the fourth schedule hereto, or any petition, resolution, deed, or other proceeding under or in pursuance of any such Act which have remained or may remain unclaimed or undistributed for *five years* after the receipt of the same by any

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such persons, shall be deemed to be vested in the Crown, without prejudice, however, to the rights of persons who may be entitled to any sum so vested to have the same paid to them as in this section directed.

The Lord Chancellor, with the concurrence of the Treasury, shall appoint one or more person or persons to receive, collect, and get in all such unclaimed or undistributed funds or dividends under such regulations as may be from time to time prescribed by the Treasury, and to pay to any person any sum so vested who may be entitled to the same.

Any person interested in any property or dividends remaining undistributed or unclaimed under any such petition, resolution, deed, or other proceeding as aforesaid may apply to the Court of Bankruptcy having jurisdiction in the matter, and the court may on such application order any trustee, manager, or receiver to file in court an account of the sums received and paid by him under any such petition, resolution, deed, or proceeding, and may direct and enforce an audit of such account and the payment of the balance in hand to the creditors entitled thereto, or to the person appointed as aforesaid: Provided that such audit shall not extend beyond *six years* before the passing of this Act, and shall not disturb any audit properly held before the date of such application. And the provisions of this section shall not be deemed to deprive any person of any larger or other right or remedy to which he may be entitled against any such trustee, manager, or receiver.

Any trustee, receiver, or other person having any unclaimed or undistributed funds or dividends in his hands or under his control which have arisen in respect of any such petition, resolution, deed, or other proceeding as aforesaid may, on filing in such court and manner as may be prescribed an affidavit verifying the amount proposed to be paid, and showing the matter in respect of which it has arisen, pay such funds or dividends to one of the persons appointed as aforesaid, whose receipt shall be an effectual discharge in respect of the amount so paid to him.

PART XI.

Repeal.

Repeal of Bankruptcy Act, 1869.

148. *From and after the commencement of this Act*, the Bankruptcy Act, 1869, shall be repealed, but this repeal shall not affect the past operation of such Act, or revive any court, office,

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jurisdiction, or authority abolished by such Act, or affect the force or operation of any Order in Council made, or Charter or Letters Patent issued, or the operation or enjoyment of any appointment, office, rank, precedence, salary, pension, retiring or superannuation allowance, compensation, or salary for life, made, granted, given, or held, or the validity or invalidity of anything done or suffered before the commencement of this Act, or any right, title, obligation, or liability accrued or to accrue before or after the commencement of this Act, by or under the said repealed Act, or any enactment repealed by such Act, or affect any power vested in the Lord Chancellor or the Commissioners of Her Majesty's Treasury, by or under Part VIII. of the said repealed Act; nor shall such repeal interfere with the prosecution or affect the course of any proceeding under or in relation to any adjudication of bankruptcy made, or resolution registered, or order made, or petition presented, or thing done, under such Act before the commencement of this Act, or affect any of the incidents or consequences of any such adjudication, resolution, order, petition, or thing, or the jurisdiction or authority of any court or officer in relation thereto, nor shall such repeal affect any proceedings to be taken under this Act upon any trading, act of bankruptcy, or petitioning creditor's debt which took place or was committed or incurred before the commencement of this Act; nor shall this Act interfere with the institution or prosecution of any proceeding in respect of any offence committed against, or any penalty or forfeiture incurred under, the said Act hereby repealed. A.D. 1878.

Provided that all orders, regulations, general rules, and scales of costs and fees made in pursuance of the Bankruptcy Act, 1869, and in force at the date of the commencement of this Act, shall remain in force except in so far as they are inconsistent with this Act, or until they are altered by other general rules made in pursuance of this Act.

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SCHEDULES.

SCHEDULE I.

DESCRIPTION OF TRADERS.

Alum makers, apothecaries, auctioneers, bankers, bleachers, brokers, brickmakers, builders, calenderers, carpenters, carriers, cattle or sheep salesmen, coach proprietors, cowkeepers, dyers, fullers, keepers of inns, taverns, hotels, or coffee houses, lime-burners, livery stable keepers, market gardeners, millers, packers, printers, sharebrokers, shipowners, shipwrights, stockbrokers, stock-jobbers, victuallers, warehousemen, wharfingers, persons using the trade or profession of a scrivener, receiving other men's moneys or estates into their trust or custody, persons insuring ships or their freight or other matters against perils of the sea, persons using the trade of merchandise by way of bargaining, exchange, bartering, commission, consignment, or otherwise, in gross or by retail, and persons who, either for themselves or as agents or factors for others, seek their living by buying and selling or buying and letting for hire goods or commodities, or by the workmanship or the conversion of goods or commodities; but a farmer, grazier, common labourer, or workman for hire shall not, nor shall a member of any partnership, association, or company which cannot be adjudged bankrupt under this Act, be deemed as such a trader for the purposes of this Act: Provided always, that every person coming within the above description of traders, and having ceased to trade, shall be deemed a trader for the purposes of this Act during such time (not exceeding *two years* after he shall have so ceased to trade) as any debt contracted by him while in trade to an amount sufficient to support a bankruptcy petition remains unpaid.

SCHEDULE II.

SCALE FOR REMUNERATION OF TRUSTEE OR RECEIVER APPOINTED BY COMMITTEE OF INSPECTION WHEN ASSETS DO NOT EXCEED 3,000*l.*

For each and every debt collected, *5 per cent.* on the first amount of *100l.* or any less sum; *2½ per cent.* on the next amount of *400l.* or any less sum; *1 per cent.* on the next amount of *1,500l.* or any less sum; and *½ per cent.* on all further sums.

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For property realised *2½ per cent.* on the first amount of *500l.* or any less sum; *1 per cent.* on the next amount of *500l.* or any less sum; and *½ per cent.* on all further sums.

On dividend *2 per cent.* on the first amount of *1,000l.* or any less sum actually divided; and *1 per cent.* on all further sums.

The per-centage on mortgaged property to be calculated only on the residue payable to the debtor's estate. When any property has been taken possession of or received by a receiver or trustee, and transferred to a subsequent receiver or trustee, the remuneration shall be apportioned between them in such manner as may be just.

The committee of inspection may also allow, if they think fit, for the examination of the debtor's accounts, *5l.* where the estate realised does not exceed *100l.*, with an addition of *1l. per cent.* for every sum realised beyond *100l.*

When the trustee or receiver sells the debtor's stock by tender he may further be allowed as follows:—

Not above 400l. - - -	*4l. per cent.*
After to 1,000l. - - -	*3l. 10s. per cent.*
After to 2,000l. - - -	*2l. 10s. per cent.*
After to 5,000l. - - -	*2l. per cent.*
Above 5,000l. and upwards -	*1l. 15s. per cent.*

Expenses to be allowed, such as advertisements and printing, not exceeding *2l.*, or at discretion of the committee.

SCHEDULE III.

LIST OF METROPOLITAN COUNTY COURTS.

The Bloomsbury County Court of Middlesex.
The Bow County Court of Middlesex.
The Brompton County Court of Middlesex.
The Clerkenwell County Court of Middlesex.
The Lambeth County Court of Surrey.
The Marylebone County Court of Middlesex.
The Shoreditch County Court of Middlesex.
The Southwark County Court of Surrey.
The Westminster County Court of Middlesex.
The Whitechapel County Court of Middlesex.

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A.D. 1878.

SCHEDULE IV.

STATUTES RELATING TO UNCLAIMED DIVIDENDS.

Session and Chapter.	Title of Act.
7 & 8 Vict. c. 70 -	An Act for facilitating arrangements between debtors and creditors.
12 & 13 Vict. c. 106 -	The Bankrupt Law Consolidation Act, 1849.
24 & 25 Vict. c. 134 -	The Bankruptcy Act, 1861.
32 & 33 Vict. c. 71 -	The Bankruptcy Act, 1869.

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Bankruptcy Law Amendment.

A

B I L L

To consolidate and amend the Law of Bankruptcy, and for other purposes relating thereto.

(*Prepared and brought in by Mr. Attorney General and Mr. Solicitor General.*)

Ordered, by The House of Commons, *to be Printed*, 26 *February* 1878.

[Bill 119.]

Under 9 *oz.*

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Bar Education and Discipline Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Council of Four Inns of Court.
2. Rotation of appointed members.
3. Elected members.
4. Resignation of members.
5. Casual vacancies.
6. President and vice-president.
7. Meetings. Minutes.
8. Summoning of meetings.
9. Officers.
10. Procedure.
11. Quorum.
12. Authority of council.
13. Rules to be made by council.
14. Examinations of members of Inns.
15. Contributions of Inns.
16. Donations for purposes of Act.
17. Application of receipts.
18. Disbarring, &c. to be by council.
19. Procedure for disbarring, &c.
20. Appeal on disbarring, &c.
21. No call to Bar without certificate of council.

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A

B I L L

FOR

Constituting and empowering a Council of Education and Discipline for the Bar. A.D. 1878.

WHEREAS there are Four Inns of Court, namely, the Honourable Society of Lincoln's Inn, the Honourable Society of the Inner Temple, the Honourable Society of the Middle Temple, and the Honourable Society of Gray's Inn:

And whereas the right to call persons to the Bar, and to censure, suspend from practice, or disbar any barrister, hath been hitherto exercised by the Masters of the Bench of each of the Four Inns of Court in respect of its own members, subject to appeal:

And whereas rules and regulations with respect to the qualification of persons desiring to be called to the Bar have been from time to time made and enacted by agreement between the Four Inns of Court:

And whereas by agreement among themselves the Four Inns have made provision for legal education and for the examination of persons desiring to be called to the Bar or to practise under the Bar, and contribute yearly the sums requisite for that purpose, and the regulation and control of such legal education and examination, and the administration of the funds so contributed, are vested in the Council of Legal Education elected by the Masters of the Bench of each of the Four Inns:

And whereas the Four Inns are willing and have offered to contribute the yearly sums herein-after mentioned for the purpose of such legal education and examination as aforesaid:

And whereas the Masters of the Bench of the Four Inns have no power to act conjointly in matters affecting the common interests of the Four Inns, or of the Bar, except by consent, and have no power to act conjointly in matters affecting the discipline of the Bar:

And whereas it is expedient that a council, to be called The Council of the Four Inns of Court, should be constituted, with the powers herein-after mentioned:

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A.D. 1878.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Council of Four Inns of Court.

1. There shall be a council of the Four Inns of Court, to be called The Council of the Four Inns of Court, and herein-after called the council.

Such council shall discharge the duties, and shall have and may exercise all the powers hereby assigned and given to it.

The council shall consist of *thirty* members, of whom six shall be appointed by Her Majesty on the recommendation of the Lord Chancellor, and twenty-four shall be elected by the Masters of the Bench of the Four Inns, as herein-after mentioned.

Any person being a member of Her Majesty's Privy Council, or a judge of the Supreme Court of Judicature, or a barrister of not less than ten years standing, shall be qualified to be appointed or elected a member of the council.

Rotation of appointed members.

2. Of the six members of the council appointed by Her Majesty, two shall retire annually on the 31st of October.

Of the six first appointed, the two last named in the appointment shall retire on the 31st of October 1879; the two next named in the appointment shall retire on the 31st of October 1880; and the two first named in the appointment shall retire on the 31st of October 1881.

In each succeeding year the two who have served longest, reckoning from the date of their last appointment, shall retire.

Upon the retirement, resignation, or death of any appointed member, it shall be lawful for Her Majesty to re-appoint the retiring member, or to nominate and appoint any other person qualified as aforesaid.

Elected members.

3. Six members of the council shall be elected by the Masters of the Bench for the time being of each of the Four Inns.

Six members of the council shall be elected by the Masters of the Bench of each Inn in the month of November 1878.

Two of the members elected by each bench shall retire annually on the 31st October, and two members shall be elected in their place annually, by each bench, in the month of November following.

The retiring members shall be capable of re-election, provided that no member who has served on the council for six consecutive years shall be capable of re-election until he has ceased to be a member for one year.

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The names of the members elected shall be certified annually in writing under the hand of the treasurer of each Inn.

The members to retire on the 31st October 1879, shall be the two junior members, reckoning seniority by professional precedence, elected by each bench in November 1878. The members to retire on the 31st October 1880, shall be the next two junior members elected by each bench in November 1878. The members to retire on the 31st October 1880, shall be the remaining members elected in November 1878.

In each succeeding year the two members who have served longest, reckoning such service from the date of their last election, shall retire.

Resignation of members.

4. Any member of the council may resign his office by a letter addressed to the president for the time being of the council.

Casual vacancies.

5. In case of any vacancy occurring in the council by the resignation, or death, or incapacity to act of any elected member, the bench by which such member was elected shall, within two months thereafter, elect a new member in his place, provided that no election shall be held in any of the legal vacations, and such vacations shall not be reckoned in the period of two months.

Every member appointed or elected to supply a vacancy occasioned by resignation or death shall, as regards retirement, be entitled to hold office only for the time for which the member in whose place he has been appointed or elected would have held it.

The council shall have power to act notwithstanding any vacancy in its members.

President and vice-president.

6. The first meeting of the council shall be held in the month of December 1878, at such time and place as the senior member of the elected members, reckoning seniority by professional precedence, shall appoint, of which notice shall be given by him to the treasurers of the Four Inns.

At such meeting the senior elected member present shall take the chair, and the members of the council present shall at once proceed to elect a president and vice-president.

They shall retire from office at the first meeting to be held in the month of November next after their election, but shall be capable of re-election.

In the year 1879, and all subsequent years, a president and vice-president for the ensuing year shall be elected at the first meeting of the council in the month of November.

Whenever the office of president or vice-president shall become vacant by death or resignation, such vacancy shall be declared at a

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meeting of the council and entered on the minutes, and the council shall at their next meeting, or as soon thereafter as they conveniently can, proceed to the election of a president or vice-president, as the case may be.

The president shall take the chair at all meetings of the council; in his absence the vice-president; and in the absence of both of them, or in the case of the offices being vacant, the senior elected member present shall preside.

All questions shall be decided by a majority of the votes of the members present.

In case of an equality of votes, the president or other chairman shall have a second or casting vote.

Meetings.

7. The council shall meet yearly in November, and at such other times and at such place and hour as they shall appoint.

Minutes.

Minutes shall be kept of all their proceedings, and the names of the members present at each meeting shall be entered in the minute book.

Summoning of meetings.

8. The president, or, if his office be vacant, the vice-president, may at any time summon a meeting of the council.

Any six members of the council may, by letter signed by them and addressed to the president, or if that office be vacant, to the vice-president, or if both offices be vacant, to the senior elected member, require a meeting of the council to be called; and upon receipt of any such letter a meeting of the council shall be summoned by the president, or vice-president, or senior elected member, as the case may be, not later than twenty-one days from the receipt of such letter.

Officers.

9. The council shall appoint a secretary and such other officers as they think fit, who shall hold office during pleasure, and shall discharge all such duties as the council shall assign to them respectively. They shall be paid such salaries as the council shall appoint out of the funds to be provided as herein-after mentioned.

Procedure.

10. The council shall have power to make rules and byelaws for the regulation of their own proceedings, and for such other matters within their jurisdiction as they may think fit.

Quorum.

11. Five members of the council shall constitute a quorum.

Authority of council.

12. The council shall have cognisance of and jurisdiction in the following matters—

A.—The legal education and examination of students of any of the Four Inns of Court desiring to be instructed in Law, whether with a view of being called to the Bar or to practise under the Bar or otherwise:

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B.—The censuring and suspending from practice of barristers or persons practising under the Bar, and the disbarring of barristers:

C.—All matters which may be referred to them by the bench of any of the Four Inns of Court for advice or decision.

Rules to be made by council.

13. The council shall, as soon as conveniently may be, and not later than the day of 1879, make such rules and regulations as they may deem expedient with reference to the matters specified in sub-section A. of the preceding section, including the payment of fees, and shall have power from time to time to alter such rules and regulations; and until such rules and regulations shall be made, the rules and regulations assented to by the Masters of the Bench of the Four Inns of Court, and in force at the time of the passing of this Act, shall continue in force.

Examinations of members of Inns.

14. The council shall from time to time cause examinations to be held of all members of the Inns of Court desiring to be called to the Bar, or to practise under the Bar, and shall appoint examiners for that purpose. The examiners shall hold office subject to such conditions and shall receive such remuneration as the council shall from time to time determine. The council shall grant to every person who shall satisfactorily pass an examination a certificate that he has so passed.

No member of the council shall be appointed or remain an examiner.

Contributions of Inns.

15. The treasurers of the Four Inns of Court shall respectively contribute to the council out of their general funds such yearly sums as the council may from time to time require in the proportions of the different sums herein-after mentioned, but not exceeding those sums. The treasurer of Lincoln's Inn the sum of *1,300l.*, the treasurer of the Inner Temple the sum of *1,500l.*, the treasurer of the Middle Temple the sum of *1,200l.*, the treasurer of Gray's Inn the sum of *600l.*, and in addition the treasurers of the Four Inns of Court shall respectively pay to the council the sum of *1l. 1s.* in respect of each person who shall be admitted a student of their Inn.

Donations for purposes of Act.

16. The Council may at any time accept from the Four Inns of Court, or any of them, or from any person or corporation, sums in addition to those mentioned in the preceding section, to be applied to any of the purposes to which those sums are herein-after made applicable, or for similar purposes.

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Application of receipts.

17. The sums paid to the council by the treasurers of the Four Inns, and all fees and payments received by the council under any rules or regulations made or to be made by them, shall be applied—

First.—To the payment of all expenses incurred by them, including the salary of their secretary and any officers to be appointed by them:

Secondly.—To the payments of professors, and otherwise providing for legal education and the payment of the examiners:

Thirdly.—To providing prizes, exhibitions, or scholarships, or for similar purposes.

Disbarring, &c. to be by council.

18. *From and after the passing of this Act* no barrister or person practising under the Bar shall be censured or suspended from practice, nor shall any barrister be disbarred by any order or resolution of the Masters of the Bench of the Inn of Court of which he is a member, but the power of censuring or suspending from practice any barrister or person practising under the Bar, or disbarring any barrister, shall be vested in and exercised by the council, subject to such right of appeal as is herein-after mentioned; provided that nothing herein contained shall in any way interfere with the internal regulations of any of the Inns for maintaining proper discipline among their members, or restrain the Masters of the Bench of any Inn of Court from suspending or depriving any member from or of the exercise of any right or privilege connected with the Inn.

Procedure for disbarring, &c.

19. The proceedings before the council in the case of censuring or suspending from practice any barrister or person practising under the Bar, or disbarring any barrister, shall be conducted in such manner as the council shall from time to time by regulations made in that behalf determine. The evidence may, if the council think fit, be taken upon oath, and the council shall have power to administer oaths and to require the attendance before them of witnesses and the production of documents. It shall be lawful for any judge of Her Majesty's High Court of Justice in court or at chambers, upon the application of the council, and on proof before him that any person required to produce documents or give evidence in any such case has, after reasonable notice, refused or omitted to do so, to order such person to attend before the council and produce such documents or give evidence, as the case may be; and disobedience to any such order shall be punishable in like manner as disobedience to any similar order of the said High Court made in any cause or matter depending before it.

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A.D. 1878.

Appeal on disbarring, &c.

20. Any order made by the council censuring or suspending from practice any barrister or person practising under the Bar, or disbarring any barrister, may be appealed to Her Majesty's Supreme Court of Judicature, and shall be heard in camerâ as heretofore, before any of the judges of the said court, not being fewer than five, and not being members of the council or of the Inn to which such barrister or person practising under the Bar belongs. The judges to be selected to hear any such appeal shall be chosen from amongst themselves in a meeting consisting of not fewer than ten judges. On the hearing of any such appeal the order of the council may be confirmed, varied, or reversed, as to the judges hearing the same shall seem right.

No call to Bar without certificate of council.

21. Nothing herein contained shall alter or impair the exclusive right of the Masters of the Bench of the Four Inns of Court to call members of their respective societies to the Bar, or alter the practice relating thereto, except that from and after it shall not be lawful for the Masters of the Bench of any Inn of Court to call to the Bar, or to allow for the first time to practise under the Bar, any student admitted after the year 1871 who has not obtained a certificate from the council to the effect that he has satisfactorily fulfilled the conditions required by their regulations to qualify him to be called to the Bar.

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Bar Education and Discipline.

A

B I L L

For constituting and empowering a Council of Education and Discpline for the Bar.

(*Prepared and brought in by Mr. Attorney-General and Mr. Solicitor-General.*)

Ordered, by The House of Commons, *to be Printed*, 24 *January* 1878.

[Bill 88.]

Under 2 *oz.*

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A

BILL

TO

Declare the law relating to the Acceptance of Bills of Exchange. A.D. 1878.

WHEREAS by the Mercantile Law Amendment Act, 1856, it is enacted that "no acceptance of any bill of exchange, whether "inland or foreign, made after the 31st day of December 1856, "shall be sufficient to bind or charge any person, unless the same "be in writing on such bill, or if there be more than one part of "such bill on one of the said parts, and signed by the acceptor or "some person duly authorised by him":

And whereas doubts have arisen as to the true effect and intention of the said enactment, and as to whether the signature of the drawee alone can constitute a sufficient acceptance of the bill so as to satisfy the requirements of the said Statute, and it is expedient that the meaning of the said enactment should be further declared:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. An acceptance of a bill of exchange is not and shall not be deemed to be insufficient under the provisions of the said Statute by reason only that such acceptance consists merely of the signature of the drawee written on such bill. Declaration of law.

2. Nothing in this Act shall affect the validity or invalidity of any verdict or judgment recovered before the passing of this Act. Saving.

3. This Act may be cited for all purposes as the "Bills of Exchange Act, 1878." Short title.

[Bill 135.]

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Bills of Exchange (Acceptance).

A

B I L L

To declare the law relating to the Acceptance of Bills of Exchange.

(*Prepared and brought in by Sir John Lubbock, Mr. Herschell, Mr. Charles Mills, and Mr. Watkin Williams.*)

Ordered, by The House of Commons, *to be Printed*, 28 *March* 1878.

[Bill 135.]

Under 1 *oz.*

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Bills of Sale Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title.
2. Commencement.
3. Repeal of Acts.
4. Application of Act.
5. Interpretation of terms.
6. Certain mortgages to be subject to this Act as bills of sale.
7. Certain instruments giving powers of distress to be subject to this Act.
8. Avoidance of unregistered bill of sale in certain cases.
9. Mode of registering bills of sale.
10. Renewal of registration.
11. Form of register.
12. The registrar.
13. Rectification of register.
14. Entry of satisfaction.
15. Copies may be taken, &c.
16. Affidavits.
17. Order and disposition.
18. Rules.
19. Saving.
20. Extent of Act.

SCHEDULES.

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A

B I L L

TO

Consolidate and amend the Law relating to Bills of Sale. A.D. 1878.

WHEREAS it is expedient to consolidate and amend the law relating to bills of sale:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited for all purposes as the Bills of Sale Act, 1878. Short title.

2. This Act shall come into operation on the *first day of January one thousand eight hundred and seventy-nine*, which day is in this Act referred to as the commencement of this Act. Commencement.

3. From and after the commencement of this Act the Bills of Sale Act, 1854, and the Bills of Sale Act, 1866, shall be repealed. Repeal of Acts.

4. This Act shall apply to every bill of sale (whether the same be absolute, or subject or not subject to any trust) whereby the holder or grantee has power, either with or without notice, and either immediately or at any future time, to seize or take possession of any property or effects comprised in or made subject to such bill of sale. Application of Act.

5. In this Act the following words and expressions shall have the meanings in this section assigned to them respectively, unless there be something in the subject or context repugnant to such construction; (that is to say,) Interpretation of terms.

The expression "bill of sale" shall include bills of sale, assignments, transfers, declarations of trust without transfer, and other assurance of personal chattels, and also powers of attorney, authorities, or licenses to take possession of personal chattels as security for any debt, but shall not include the following documents; that is to say, assignments for the benefit of the creditors of the person making or giving the same, marriage

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A.D. 1878.

settlements, transfers or assignments of any ship or vessel or any share thereof, transfers of goods in the ordinary course of business of any trade or calling, bills of sale of goods in foreign parts or at sea, bills of lading, India warrants, warehouse keepers certificates, warrants or orders for the delivery of goods, or any other documents used in the ordinary course of business as proof of the possession or control of goods, or authorising or purporting to authorise, either by indorsement or by delivery, the possessor of such document to transfer or receive goods thereby represented:

The expression "personal chattels" shall mean goods, furniture, fixtures, and other articles capable of complete transfer by delivery, and growing crops, but shall not include chattel interests in real estate, nor shares or interests in the stock, funds, or securities of any government, or in the capital or property of incorporated or joint stock companies, nor choses in action, nor any stock or produce upon any farm or lands which by virtue of any covenant or agreement or of the custom of the country ought not to be removed from any farm where the same are at the time of making or giving of such bill of sale:

Personal chattels shall be deemed to be in the "apparent possession" of the person making or giving a bill of sale, so long as they remain or are in or upon any house, mill, warehouse, building, works, yard, land, or other premises occupied by him, or are used and enjoyed by him in any place whatsoever, notwithstanding that formal possession thereof may have been taken by or given to any other person.

Certain mortgages to be subject to this Act as bills of sale.

6. Every conveyance, mortgage, or assignment of lands or hereditaments whereby the grantor or assignor, being a tenant of such lands or hereditaments, grants, conveys, or assigns any trade fixtures, shall, so far as regards such trade fixtures, be subject to all the provisions of this Act, as if the same were a bill of sale to which this Act applies.

In this section "trade fixtures" means any fixtures which the grantor or assignor of such conveyance, mortgage, or assignment has power to sever and remove, except steam engines or water engines, and the power machinery immediately connecting such engines with any removable fixtures.

Certain instruments giving powers of distress to be subject to this Act.

7. Every attornment, instrument, or agreement whereby a power of distress is given or agreed to be given by any person being a trader to any other person wholly or partly by way of security for any present, future, or contingent debt or advance, or in any

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manner other than in respect of the rent (not exceeding the fair rackrent) of the land to which the power of distress relates, shall, as regards any property or effects which may be seized under such power of distress, be subject to all the provisions of this Act, as if such attornment, instrument, or agreement were a bill of sale to which this Act applies, and as if such property or effects were chattels comprised therein.

Provided that nothing in this section shall extend to any mortgage of any estate or interest in land, tenements, or hereditaments being an estate or interest in fee or for a life or lives or for any term exceeding two years.

In this section "trader" has the same meaning as in the Bankruptcy Act, 1869.

Exemption of existing mortgages of trade fixtures.

8. Every mortgage made before the first day of January one thousand eight hundred and seventy-eight whereby the owner of lands or hereditaments has granted, conveyed, or assigned any trade fixtures, shall be as valid against all trustees or assignees of the estate of the person whose trade fixtures are comprised therein, and also against all sheriffs, officers, and other persons seizing in the execution of any process of any court, as though the same had been registered, whether such trade fixtures are by such mortgage assigned separately, or power is thereby given to sever them, or not.

Avoidance of unregistered bill of sale in certain cases.

9. Every bill of sale to which this Act applies shall be duly attested and registered under this Act, otherwise such bill of sale, as against all trustees or assignees of the estate of the person whose chattels, or any of them, are comprised in such bill of sale under the law relating to bankruptcy or liquidation, or under any assignment for the benefit of the creditors of such person, and also as against all sheriffs officers and other persons seizing any chattels comprised in such bill of sale, in the execution of any process of any court authorising the seizure of the chattels of the person by whom or of whose chattels such bill has been made, and also as against every person on whose behalf such process has issued, shall be deemed fraudulent and void so far as regards the property in or right to the possession of any chattels comprised in such bill of sale which, at or after the filing the petition for bankruptcy or liquidation, or of the execution of such assignment, or of executing such process (as the case may be), and after the expiration of a period of seven clear days are in the possession or apparent possession of the person making such bill of sale (or of any person against whom the process has issued under or in the execution of which such bill has been made or given, as the case may be).

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A.D. 1878.

Agreement for bill of sale or memorandum to be registered.

10. Any agreement for the giving or making of a bill of sale, or a memorandum of such agreement and of the parties thereto, shall be registered in the same manner as a bill of sale; otherwise such agreement shall be void as against all such trustees, assignees, creditors, and persons as are in this section mentioned, and shall not as against them or any of them be deemed to be a valuable consideration for or to giving any validity to any bill of sale given or made in pursuance thereof.

Mode of registering bills of sale.

11. A bill of sale shall be attested and registered under this Act in the following manner:

(1.) The execution of every bill of sale shall be attested by a solicitor of the Supreme Court, and the attestation shall state that before the execution of the bill of sale the effect thereof has been explained to the grantor by the attesting solicitor:

(2.) Such bill, with every schedule or inventory thereto annexed or therein referred to, and also a true copy of such bill and of every such schedule or inventory, and of every attestation of the execution of such bill of sale, together with an affidavit of the time of such bill of sale being made or given, and of its due execution and attestation, and a description of the residence and occupation of the person making or giving the same (or in case the same is made or given by any person under or in the execution of any process, then a description of the residence and occupation of the person against whom such process issued), and of every attesting witness to such bill of sale, shall be presented to and the said copy and affidavit shall be filed with the registrar within seven clear days after the making or giving of such bill of sale, in like manner as a warrant of attorney in any personal action given by a trader is now by law required to be filed:

(3.) If the bill of sale is made or given subject to any defeasance or condition, or declaration of trust not contained in the body thereof, such defeasance, condition, or declaration shall be deemed to be part of the bill, and shall be written on the same paper or parchment therewith before the registration, and shall be truly set forth in the copy filed under this Act therewith and as part thereof, otherwise the registration shall be void:

(4.) Every copy of a bill of sale presented for registration shall be in the prescribed form.

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In case two or more bills of sale are given, comprising in whole or in part any of the same chattels, they shall have priority in the order of the date of their registration respectively as regards such chattels.

A transfer or assignment of a registered bill of sale need not be registered.

Renewal of registration.

12. The registration of a bill of sale must be renewed once at least every *five years*, and if a period of *five years* elapses from the registration or renewed registration of a bill of sale without a renewal or further renewal (as the case may be), the registration shall become void.

The renewal of a registration shall be effected by filing with the registrar an affidavit stating the date of the bill of sale and of the last registration thereof, and the names, residences, and occupations of the parties thereto as stated therein, and that the bill of sale is still a subsisting security.

Every such affidavit may be in the form set forth in the Schedule (A.) to this Act annexed.

A renewal of registration shall not become necessary by reason only of a transfer or assignment of a bill of sale.

Where the registration of a bill of sale has become void under this section and has not been renewed, it shall be lawful for the registrar to destroy the registered copy thereof.

Form of register.

13. The registrar shall keep a book (in this Act called "the register") for the purposes of this Act, and shall, upon the filing of any bill of sale or copy under this Act, enter therein in the form set forth in the second schedule (B) to this Act annexed, or in any other prescribed form, the name, residence, and occupation of the person by whom the bill was made or given (or in case the same was made or given by any person under or in the execution of process, then the name, residence, and occupation of the person against whom such process was issued, and also the name of the person or persons to whom or in whose favour the bill was given), and the other particulars shown in the said schedule or to be prescribed under this Act, and shall number all such bills registered in each year consecutively, according to the respective dates of their registration.

Upon the registration of any affidavit of renewal the like entry shall be made, with the addition of the date and number of the last previous entry relating to the same bill.

The registrar shall also keep an index of the names of the grantors of registered bills of sale with reference to entries in the register of the bills of sale given by each such grantor.

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A.D. 1878.

Such index shall be arranged in divisions corresponding with the letters of the Alphabet, so that all grantors whose surnames begin with the same letter (and no others) shall be comprised in one division, but the arrangement within each such division need not be strictly alphabetical.

The registrar.

14. The masters of the Supreme Court of Judicature attached to the Queen's Bench Division of the High Court of Justice, or such other officers as may for the time being be assigned for this purpose under the provisions of the Supreme Court of Judicature Acts, 1873 and 1875, shall be the registrar for the purposes of this Act, and any one of the said masters may perform all or any of the duties of the registrar.

Rectification of register.

15. Any judge of the High Court of Justice on being satisfied that the omission to register a bill of sale or an affidavit of renewal thereof within the time prescribed by this Act, or the omission or misstatement of the name, residence, or occupation of any person, was accidental or due to inadvertence, may in his discretion order such omission or misstatement to be rectified by altering such bill of sale or the register, or both, or by extending the time for such registration on such terms and conditions (if any) as to security, notice by advertisement or otherwise, or as to any other matter, as he thinks fit to direct.

Entry of satisfaction.

16. Subject to and in accordance with any rules to be made under and for the purposes of this Act, the registrar may order a memorandum of satisfaction to be written upon any registered copy of a bill of sale, upon the prescribed evidence being given that the debt (if any) for which such bill of sale was made or given has been satisfied or discharged.

Copies may be taken, &c.

17. Any person shall be entitled to have an office copy or extract of any registered bill of sale, or copy thereof, or registered affidavit of renewal, upon paying for the same at the like rate as for office copies of judgments of the High Court of Justice, and any copy of a registered bill of sale, or affidavit purporting to be an office copy thereof, shall in all courts and before all arbitrators or other persons, be admitted as primâ facie evidence thereof, and of the fact and date of registration as shown thereon. Any person shall be entitled at all reasonable times to search the register and every registered bill of sale, upon payment of *one shilling* for every copy of a bill of sale inspected; such payment shall be made by a judicature stamp.

Affidavits.

18. Every affidavit required by or for the purposes of this Act may be sworn before a master of any division of the High Court of

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Justice, or before any commissioner empowered to take affidavits in the Supreme Court of Judicature. A.D. 1877.

Whoever, in any affidavit filed or used for the purpose of this Act, is guilty of perjury, shall be liable to penal servitude for *five years*, or to imprisonment for any term not exceeding *two years* with or without hard labour.

19. *There shall be paid and received in common law stamps the following fees, viz.:* Fees.

On filing a bill of sale - - - - -	*2s.*
On filing the affidavit of execution of a bill of sale -	*2s.*
On the affidavit used for the purpose of re-registering a bill of sale (to include the fee for filing) - -	*5s.*

20. Chattels comprised in a bill of sale which has been and continues to be duly registered under this Act shall not be deemed to be in the possession, order, or disposition of the grantor of the bill of sale within the meaning of the Bankruptcy Act, 1869. Order and disposition.

The Common Law Courts (Fees) Act, 1865, and the Common Law Courts (Fees and Salaries) Act, 1866, so far as the same are respectively in force for the time being, and any enactments for the time being in force amending or substituted for either of the said Acts, shall apply with respect to matters to be done under this Act, in the same manner as if the said Acts referred to this Act instead of referring to the Acts repealed by this Act.

21. Rules for the purposes of this Act may be made and altered from time to time by the like persons and in the like manner in which rules and regulations may be made under and for the purposes of the Supreme Court of Judicature Acts, 1873 and 1875. Rules.

22. When the time for registering a bill of sale expires on a Sunday, or other day on which the registrar's office is closed, the registration shall be valid if made on the next following day on which the office is open. Time.

23. The repeal of any Act by this Act shall not affect the validity or invalidity of any past act or thing. Saving.

Any registration or renewal of registration of a bill of sale before the *passing of this Act*, shall have the same effect as if such registration or renewal had been made under this Act.

Any bill of sale given before the *commencement of this Act* may be registered under this Act on or before the *eighth day of January one thousand eight hundred and seventy-nine.*

24. This Act shall not extend to Scotland or to Ireland. Extent of Act.

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SCHEDULES.

SCHEDULE A.

I [*A.B.*] of do swear that a bill of sale, bearing date the day of 18 [*insert the date of the bill*], and made between [*insert the names and descriptions of the parties in the original bill of sale*], and which said bill of sale [*or*, and a copy of which said bill of sale, *as the case may be*] was registered on the day of 18 [*insert date of registration*], is still a subsisting security.

Sworn, &c.

SCHEDULE B.

No.	By whom given (or against whom process issued).			To whom given.	Nature of instrument.	Date.	Date of registration.	Date of registration of affidavit of renewal.	Satisfaction entered.
	Name.	Residence.	Occupation.						

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Bills of Sale.

A

B I L L

[AS AMENDED IN COMMITTEE]

To consolidate and amend the Law relating to Bills of Sale.

(*Prepared and brought in by Mr. Sampson Lloyd, Mr. Whitwell, Mr. Norwood, Mr. Monk, and Mr. Ripley.*)

Ordered, by The House of Commons, *to be Printed*, 15 *March* 1878.

[Bill 129.]

Under 2 *oz.*

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LORDS AMENDMENTS

TO THE

BILLS OF SALE BILL.

Note.—*The page and line refer to the Bill* (80.) *as first printed by the Lords.*

Page 1.

In the title, leave out ("relating to Bills of Sale") and insert ("for preventing frauds upon creditors by secret Bills of "Sale of personal chattels")

Line 2, after ("sale") insert ("of personal chattels")

Leave out Clause 3.

Line 16, leave out ("seventy-eight") and insert ("seventy-"nine")

Line 26, after ("transfer") insert ("inventories of goods "with receipt thereto attached, or receipts for purchase "moneys of goods")

Line 27, leave out ("assurance") and insert ("assurances")

Line 29, after ("debt") insert ("and also any agreement, "whether intended or not to be followed by the execution "of any other instrument, by which a right in equity to "any personal chattels, or to any charge or security "thereon, shall be conferred")

Page 2.

Line 12, leave out ("fixtures")

Line 13, after ("and") insert ("(when separately assigned or "charged) fixtures and")

Line 14, after ("estate") add ("nor fixtures (except trade ma-"chinery as herein-after defined), when assigned together "with a freehold or leasehold interest in any land or building "to which they are affixed, nor growing crops when assigned "together with any interest in the land on which they "grow")

Line 27, after ("person") insert (""Prescribed" means pre-"scribed by rules made under the provisions of this Act")

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Leave out Clause 6, and insert Clause A.

Application of Act to trade machinery.

CLAUSE A. From and after the commencement of this Act trade machinery shall, for the purposes of this Act, be deemed to be personal chattels, and any mode of disposition of trade machinery by the owner thereof which would be a bill of sale as to any other personal chattels shall be deemed to be a bill of sale within the meaning of this Act.

For the purposes of this Act—

"Trade machinery" means the machinery used in or attached to any factory or workshop;

1st. Exclusive of the fixed motive powers, such as the water-wheels and steam engines, and the steam-boilers, donkey engines, and other fixed appurtenances of the said motive powers; and—

2nd. Exclusive of the fixed power machinery, such as the shafts, wheels, drums, and their fixed appurtenances, which transmit the action of the motive powers to the other machinery fixed and loose; and—

3rd. Exclusive of the pipes for steam, gas, and water in the factory or workshop.

The machinery or effects excluded by this section from the definition of trade machinery shall not be deemed to be personal chattels within the meaning of this Act.

"Factory or workshop" means any premises on which any manual labour is exercised by way of trade, or for purposes of gain, in or incidental to the following purposes or any of them; that is to say,—

(*a.*) In or incidental to the making any article or part of an article; or

(*b.*) In or incidental to the altering, repairing, ornamenting, finishing, of any article; or

(*c.*) In or incidental to the adapting for sale any article.

Line 41, leave out ("being a trader")

Lines 41 and 42, leave out ("wholly or partly")

Page 3.

Line 1, leave out from ("advance") to the end of the clause, and insert ("and whereby any rent is reserved or made "payable as a mode of providing for the payment of interest "on such debt or advance, or otherwise for the purpose of "such security only, shall be deemed to be a bill of sale,

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" within the meaning of this Act, of any personal chattels
" which may be seized or taken under such power of distress.
" Provided, that nothing in this section shall extend to
" any mortgage of any estate or interest in any land, tene-
" ment, or hereditament which the mortgagee, being in
" possession, shall have demised to the mortgagor as his
" tenant at a fair and reasonable rent")

Leave out Clause 8, and insert Clause B.

CLAUSE B. No fixtures or growing crops shall be deemed, under this Act, to be separately assigned or charged by reason only that they are assigned by separate words, or that power is given to sever them from the land or building to which they are affixed, or from the land on which they grow, without otherwise taking possession of or dealing with such land or building, or land, if by the same instrument any freehold or leasehold interest in the land or building to which such fixtures are affixed, or in the land on which such crops grow, is also conveyed or assigned to the same persons or person.

Fixtures or growing crops not to be deemed separately assigned when the land passes by the same instrument.

The same rule of construction shall be applied to all deeds or instruments, including fixtures or growing crops, executed before the commencement of this Act and then subsisting and in force, in all questions arising under any bankruptcy, liquidation, assignment for the benefit of creditors, or execution of any process of any court, which shall take place or be issued after the commencement of this Act.

Line 25, after (" and ") insert (" shall be ")

Lines 25 and 26, leave out (" from its date ") and insert (" after the making or giving thereof ")

Line 36, leave out (" has ") and insert (" shall have been ")

Line 39, after the first (" the ") insert (" time of ")

Page 4.

Leave out Clauses 10 and 11 and insert Clause C.

CLAUSE C. Where a subsequent bill of sale is executed within or on the expiration of seven days after the execution of a prior unregistered bill of sale, and comprises all or any part of the personal chattels comprised in such prior bill of sale, then, if such subsequent bill of sale is given as a security for the same debt as is secured by the prior bill of sale, or for any part of such debt, it shall, to the extent to which it is a security for the same debt or part thereof, and so far as respects the personal chattels or part thereof comprised in the prior bill, be absolutely void, unless it is proved to the satisfaction of the court

Avoidance of certain duplicate bills of sale.

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having cognizance of the case that the subsequent bill of sale was bonâ fide given for the purpose of correcting some material error in the prior bill of sale, and not for the purpose of evading this Act.

Page 5.

Lines 14 and 15, leave out sub-section (4.).

Leave out lines 37, 38, and 39.

Page 6.

Line 14, after ("bill") insert ("and the bill of sale or copy "originally filed shall be thereupon marked with the number "affixed to such affidavit of renewal")

Lines 35 and 36, leave out ("altering such bill of sale or the "register, or both") and insert ("the insertion in the "register of the true name, residence, or occupation")

Page 7.

Line 21, leave out from ("whoever") and insert ("wilfully "makes or uses any false affidavit for the purposes of "this Act shall be deemed guilty of wilful and corrupt "perjury")

After Clause 20 insert Clause D.

Collection of fees under 38 & 39 Vict. c. 77. s. 26.

CLAUSE D. Section twenty-six of the Supreme Court of Judicature Act, 1875, and any enactments for the time being in force amending or substituted for that section, shall apply to fees under this Act, and an order under that section may, if need be, be made in relation to such fees accordingly.

Leave out lines 35 to 41.

Page 8

Leave out Clause 24 and insert Clause E.

Repeal of Acts.

CLAUSE E. From and after the commencement of this Act, the Bills of Sale Act, 1854, and the Bills of Sale Act, 1866, shall be repealed: Provided that (except as is herein expressly mentioned with respect to construction and with respect to renewal of registration) nothing in this Act shall affect any bill of sale executed before the commencement of this Act, and as regards bills of sale so executed the Acts hereby repealed shall continue in force.

Any renewal after the commencement of this Act of the registration of a bill of sale executed before the commencement of this Act, and registered under the Acts hereby repealed, shall be made under this Act in the same manner as the renewal of a registration made under this Act.

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LORDS AMENDMENTS

TO THE

BILLS OF SALE BILL.

Ordered, by The House of Commons, *to be Printed*,
9 *July* 1878.

[Bill 247.]

Under 1 *oz.*

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Bishoprics Bill. [H.L.]

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title.
2. Public contributions to endowment fund.
3. Contribution to endowment fund from existing bishopric.
4. Establishment of bishopric on provision of sufficient endowment.
5. The number of bishops sitting in Parliament not to be increased.

Supplemental Provisions.

6. Appointment of bishop of new bishopric.
7. Scheme of Ecclesiastical Commissioners approved by Order in Council as to courts, offices of archdeaconries, and other incidental arrangements for constituting new bishopric.
8. Trusts of bishopric endowment fund.
9. Confirmation of scheme and validity and publication of Orders in Council.

Miscellaneous, and Saving Clauses.

10. Amendment of 38 and 39 Vict. c. 34.
11. Power to re-arrange boundaries of the dioceses of Manchester and Liverpool, and the dioceses in the West Riding of Yorkshire and of York.
12. Saving as to service as incumbent or curate in transferred parishes.
13. Common fund of Commissioners not applicable to endowment
14. Definition of ecclesiastical parish.

SCHEDULE.

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A

B I L L

INTITULED

An Act to provide for the foundation of four new Bishopries in England. A.D. 1878.

WHEREAS it is expedient to provide increased episcopal supervision in certain parts of England, in accordance with the proposals mentioned in the schedule to this Act:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Bishoprics Act, 1878. Short title.

2. The Ecclesiastical Commissioners for England (in this Act referred to as the Ecclesiastical Commissioners) shall receive all contributions which may be made by the public for the purposes of the endowment of any new bishopric mentioned in the schedule to this Act, and carry the amount of such contributions to a fund to be called the endowment fund of the bishopric for which such contribution is made. Such contributions may include any gift or bequest of real and personal property not exceeding the limits prescribed by this Act for the endowment fund of each bishopric; and the powers of donors to bestow and of the Ecclesiastical Commissioners to receive such gifts shall be the same as those enacted in the Act of second and third years of the reign of Queen Anne, chapter eleven, and of the Act of the forty-third year of the reign of King George the Third, chapter one hundred and seven, enabling donors to vest gifts in the Governors of the Bounty of Queen Anne for the augmentation of the maintenance of the poor clergy for the benefit of ministers officiating in churches and chapels. Public contributions to endowment fund.

3. Subject to the rights enjoyed by any person at the passing of this Act, there shall be transferred to the endowment of any new bishopric mentioned in the schedule to this Act such portion of the endowment or income of the existing bishopric mentioned in the schedule to this Act in connexion with that new bishopric, (which existing bishopric is in this Act referred to as a contributory bishopric,) as is in the said schedule in that behalf mentioned. Contribution to endowment fund from existing bishopric.

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A.D. 1878.

Establishment of bishopric on provision of sufficient endowment.

4. Whenever the Ecclesiastical Commissioners certify to Her Majesty under their common seal, with respect to the endowment fund of any new bishopric mentioned in the schedule to this Act, either—

(1.) That the annual value of such endowment fund, together with the annual sum which will ultimately be derived in pursuance of this Act from a contributory bishopric (when calculated in manner in this Act mentioned,) is not less than three thousand five hundred pounds a year; or

(2.) That the annual value of such endowment fund, together with the annual sum which will ultimately be derived in pursuance of this Act from a contributory bishopric (when calculated in manner in this Act mentioned), is not less than three thousand pounds a year, and that contributions to that fund sufficient to raise the same, within five years from the date of the certificate, up to three thousand five hundred pounds a year have been guaranteed to the satisfaction of the Commissioners,

Her Majesty, by Order in Council, may found that new bishopric, with a diocese and cathedral church, in accordance with the schedule to this Act, and may declare the time at which such Order founding the bishopric is to come into operation.

Her Majesty, by the same or any other Order in Council, may constitute the bishop of such bishopric a body corporate, and invest the bishop with all such rights, privileges, and jurisdictions as are now possessed by any other bishop in England, or such of them as to Her Majesty may seem meet, and may subject such bishop to the metropolitan jurisdiction of the archbishop in that behalf mentioned in the schedule to this Act.

In calculating the annual value of the endowment fund of a new bishopric for the purposes of this section, there shall be included—

(1.) If a fitting episcopal residence has been provided by or to the satisfaction of the Ecclesiastical Commissioners, the annual value of such episcopal residence, which shall be reckoned at five hundred pounds; and

(2.) The net annual income of the part of the endowment fund actually invested, and such sum as the Commissioners think will be the net annual income of the part of the endowment fund not actually invested at the date of the certificate; and

(3.) Where any contribution to the endowment fund consists of an annual sum payable during life or other limited period the whole of that sum, if in the opinion of the Commis-

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sioners, the like annual sum will, at the termination of such life or other period, become payable as part of the endowment fund.

The annual sum which will be ultimately derived in pursuance of this Act from a contributory bishopric shall be reckoned, for the purposes of this section, at the net annual sum directed by the schedule to this Act to be yielded by the transferred portion of the endowment or income of the contributory bishopric, if no deduction were made for first-fruits and tenths, and shall be calculated whether the transfer is or not actually made, and whether the annual sum is or not for the time being actually payable to the new bishopric.

The number of bishops sitting in Parliament not to be increased.

5. The number of Lords Spiritual sitting and voting as Lords of Parliament shall not be increased by the foundation of a new bishopric in pursuance of this Act; and whenever there is a vacancy among such Lords Spiritual by the avoidance of any of the sees of Canterbury, York, London, Durham, or Winchester, such vacancy shall be supplied by the issue of a writ of summons to the bishop acceding to the see so avoided; and if such vacancy is caused by the avoidance of any see other than one of the five sees aforesaid, such vacancy shall be supplied by the issue of a writ of summons to that bishop of a see in England who having been longest bishop of a see in England has not previously become entitled to such writ;

Provided, that where a bishop is translated from one see to another, and was at the date of his translation actually sitting as a Lord of Parliament, he shall not thereupon lose his right to receive a writ of summons to Parliament.

Supplemental Provisions.

Appointment of bishop of new bishopric.

6. So long as there is not a dean and chapter of any new bishopric founded in pursuance of this Act, Her Majesty may appoint the bishop of that bishopric by letters patent, and those letters patent shall be made in the like manner, so far as circumstances admit, and have the same effect as letters patent of Her Majesty nominating a bishop in the case of a bishopric where a dean and chapter have not proceeded to elect a bishop in accordance with the license and letters missive of Her Majesty.

From and after the foundation of such dean and chapter a vacancy in that bishopric shall be filled in the same manner as a vacancy in any other bishopric in England founded in the reign of any of Her Majesty's predecessors.

Scheme of Ecclesiastical Com-

7. Whenever such certificate as is in this Act mentioned has been given by the Ecclesiastical Commissioners with respect to

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A.D. 1878.

missioners approved by Order in Council as to courts, offices of archdeaconries, and other incidental arrangements for constituting new bishopric.

the endowment fund of any new bishopric, the Ecclesiastical Commissioners shall lay before Her Majesty in Council for confirmation a scheme for all or any of the following matters in relation to that bishopric; namely,

(1.) For assigning to the bishop of that bishopric all or any such courts, officers, and jurisdiction belonging to any bishop in England as it may be thought expedient to assign, and for dispensing with the confirmation or other agency of a dean and chapter in relation to any matters in which such confirmation or agency would otherwise be required, and for the custody of the spiritualities during a vacancy in the see by the archbishop to whose metropolitan jurisdiction the bishop is subject; and

(2.) For making such arrangements as may be thought expedient, by the creation and endowment of new archdeaconries or otherwise, for the archidiaconal supervision of the parishes affected by the foundation of the bishopric, and for transferring any archidiaconal dignity from an existing cathedral church to the cathedral church of the new bishopric; and

(3.) For transferring (subject to any right enjoyed by any person at the passing of this Act) to the bishop of the new bishopric the patronage of all or some of the ecclesiastical dignities and benefices situate in his diocese, the patronage of which is immediately before the foundation of the new bishopric vested in the bishop of the diocese in which the same are then situate; and

(4.) For transferring the portion of the endowment or income of a contributory bishopric directed by this Act to be transferred to the endowment fund of the new bishopric, subject to the payment of a proportionate part of the tenths and first fruits payable by the bishop of the contributory bishopric; and

(5.) For enabling any archdeacon whose archdeaconry is affected by the foundation of the new bishopric to reside in any place in which he is residing at the date of the scheme, and for making such arrangements as may seem to the Ecclesiastical Commissioners requisite to preclude any officer holding office at the date of the passing of this Act from being prejudiced by this Act or any Order in Council or scheme made thereunder; and

(6.) For founding honorary canonries in the cathedral church of the new bishopric, with power to dispense with the consent of any dean and chapter so long as there is no such dean

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and chapter in existence for that bishopric, and to provide for the transfer to the cathedral church of the new bishopric of such non-residentiary or honorary canons in the cathedral church of any contributory bishopric, as on the foundation of the new bishopric hold benefices in the diocese of the new bishopric and consent to the transfer; and

(7.) For providing for the transfer, so soon as practicable, to the registrar or other officer of the diocese of the new bishopric, from the bishop's registrar or diocesan officer in possession of the same, of all terriers tithe apportionments maps plans and other documents relating to the several ecclesiastical parishes situate in the diocese of the new bishopric; and

(8.) For making such other provisions and arrangements, whether similar or not to the foregoing, as may be necessary for carrying into complete effect the foundation of the new bishopric and the scheme relating thereto.

Trusts of bishopric endowment fund.

8. The endowment fund of a new bishopric under this Act shall be held by the Ecclesiastical Commissioners upon the trusts following; that is to say, upon trust to provide a net annual income not exceeding four thousand two hundred pounds a year, and a fitting residence, for the bishop of the bishopric, and subject as aforesaid upon trust to make good to the contributory bishopric the portion of the endowment or income of that bishopric directed by this Act to be transferred to the new bishopric, and subject as aforesaid upon trust for the foundation of a dean and chapter for the bishopric in such manner as may be from time to time provided by Order in Council.

All annual income arising from the endowment fund of a new bishopric shall, until the bishopric is founded as provided by this Act, be invested and accumulated as part of the endowment fund; but the Ecclesiastical Commissioners shall have full power to sell (discharged from all trusts) invest manage lease and otherwise deal with the fund and the property on which it may for the time being be invested, in such manner as they may deem most expedient for the purposes of their trust.

The Ecclesiastical Commissioners may invest the whole or any part of the endowment fund of a new bishopric in the purchase of land, and may hold such land without any license in mortmain, and may from time to time, but after the appointment of a bishop with the consent of the bishop for the time being of the bishopric, assign to such bishop and his successors, as an endowment for the bishopric the lands so purchased, if convenient to be held by such bishopric:

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A.D. 1878.

Provided that there shall not be assigned as an endowment to the said bishopric, exclusive of an episcopal residence, a greater extent of land than will, after deducting the costs of management, produce as nearly as may be a net annual income of four thousand two hundred pounds.

The endowment of a bishopric under this Act shall be deemed to be for all purposes subject to the same laws as the temporalities and endowment of any other bishopric in England.

Confirmation of scheme and validity and publication of Orders in Council.

9. It shall be lawful for Her Majesty by Order in Council to confirm a scheme laid before Her Majesty in pursuance of this Act, and a scheme made in pursuance of this Act shall be of no effect until it has been so confirmed.

An Order in Council made in pursuance of this Act shall have effect as if it were enacted in this Act.

An Order in Council made in pursuance of this Act shall be published in the London Gazette, and shall as soon as practicable after the making thereof be laid before both Houses of Parliament.

Miscellaneous, and Saving Clauses.

Amendment of 38 & 39 Vict. c. 34.

10. Notwithstanding anything contained in section nine, subsection two, of the Bishopric of Saint Albans Act, 1875, it shall be lawful for the person who at the passing of this Act is Archdeacon of Rochester and Saint Albans, if and when the Archdeaconry of Rochester shall have been severed from the Archdeaconry of Saint Albans under the provisions of the Bishopric of Saint Albans Act, 1875, to resign the archidiaconal jurisdiction conferred upon him as archdeacon of the Archdeaconry of Saint Albans by the London Diocese Act, 1863, without thereby vacating the canonry in the cathedral church of Rochester annexed to the Archdeaconry of Saint Albans, and to continue to hold such canonry so long as he continues to be Archdeacon of Saint Albans.

The Ecclesiastical Commissioners for England may pay out of their common fund any annual sum not exceeding two hundred pounds to the person who may upon such resignation be appointed Archdeacon of Rochester until the next avoidance of the canonry now held by the Archdeacon of Rochester and Saint Albans.

"Parish" in the Bishopric of Saint Albans Act, 1875, shall be taken to have the same meaning with "ecclesiastical parish" in this Act.

Power to re-arrange boundaries of the dioceses of Manchester and Liverpool.

11. In the event of the foundation of a new bishopric of Liverpool the Ecclesiastical Commissioners may at any time and from time to time lay before Her Majesty in Council for confirmation a scheme for re-arranging the boundary between the dioceses of

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the bishoprics of Liverpool and Manchester by transferring to the diocese of Liverpool any ecclesiastical parish or parishes situate at the date of the scheme in the diocese of Manchester, and by transferring to the diocese of Manchester any ecclesiastical parish or parishes situate at the date of the scheme in the diocese of Liverpool, or by either of such transfers:

Provided that the assent of each bishop whose diocese is affected by the transfer shall, unless the see happens to be vacant, be given to the scheme before it is laid before Her Majesty in Council.

A scheme under this section may contain such provisions in relation to archdeaconries and archdeacons, to patronage, to the transfer of non-residentiary or honorary canons, to the transfer of terriers tithe apportionments maps plans and other documents, and to other provisions and arrangements in like manner so nearly as circumstances admit as if it were a scheme in pursuance of this Act in relation to a new bishopric.

Saving as to service as incumbent or curate in transferred parishes.

12. The service of any person, either before or partly before and partly after the foundation of a new bishopric in pursuance of this Act, or before or partly before and partly after any transfer is made in pursuance of this Act of an ecclesiastical parish from one diocese to another diocese, as incumbent or curate in any ecclesiastical parish which, in pursuance of this Act, is constituted part of a different diocese from that of which it formed part prior to such foundation or transfer, shall, for the purpose of qualifying such incumbent or curate to be presented or nominated to any benefice in the patronage of the chapter of any cathedral or collegiate church, be deemed to be service in the diocese in which such parish is situate at the time of the foundation or transfer, or in the diocese in which such parish is situate at the date of the presentation or nomination.

Common fund of Commissioners not applicable to endowment.

13. Nothing in this Act shall authorise the Ecclesiastical Commissioners to apply any portion of their common fund towards the endowment of a new bishopric in pursuance of this Act, or of the dean and chapter of such bishopric, save in so far as relates to any sum made payable out of the endowment or income of any contributory bishopric transferred in pursuance of the express provisions of this Act.

Definition of "ecclesiastical parish."

14. "Ecclesiastical parish" in this Act means a parish, new parish, ecclesiastical district, or place, within the limits of which any parson has the exclusive cure of souls.

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SCHEDULE.

PROPOSALS FOR NEW BISHOPRICS.

I.—*Bishopric of Liverpool.*

1. The bishop to be bishop of Liverpool.

2. The diocese to consist of the West Derby hundred of the county of Lancaster, with the exception of so much of the said hundred as is now in the diocese of Manchester, and to include the whole of the ancient parish of Wigan.

3. Such church at Liverpool as may be determined by the Order of Her Majesty in Council, subject to the rights of the patron and incumbent of such church, to be the cathedral church.

4. Subject to the rights enjoyed by any person at the passing of this Act, there shall be transferred to the endowment fund of the bishopric of Liverpool such portion of the endowment or income of the bishopric of Chester as would, if no deduction were made for first-fruits and tenths, yield a net annual sum of three hundred pounds, but such transfer shall be subject to the payment by the bishop of Liverpool of a proportionate part of the first-fruits and tenths payable by the bishop of Chester.

5. The bishop to be subject to the metropolitan jurisdiction of the Archbishop of York.

II.—*Bishopric of Newcastle.*

1. The bishop to be bishop of Newcastle.

2. The diocese to consist of the county of Northumberland, and the counties of the towns of Newcastle-upon-Tyne and Berwick-upon-Tweed, and to include such detached parts of any other county as are under any Act of Parliament deemed to form part of the county of Northumberland, or have been or can be transferred to the county of Northumberland by the justices in general or quarter sessions assembled, and to include also the ancient common law parish of Alston with its chapelries in the county of Cumberland.

3. The parish church of Saint Nicholas at Newcastle-upon-Tyne, subject to the rights of the patron and incumbent of such church, to be the cathedral church.

4. Subject to the rights enjoyed by any person at the passing of this Act, there shall be transferred to the endowment fund of the bishopric of Newcastle such portion of the endowment or income of the bishopric of Durham as would, if no deduction were made for first-fruits and tenths, yield a net annual sum of one thousand

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pounds, but such transfer shall be subject to the payment by the bishop of Newcastle of a proportionate part of the first-fruits and tenths payable by the bishop of Durham. A.D. 1878.

5. The bishop to be subject to the metropolitan jurisdiction of the Archbishop of York.

III.—*Bishopric of Southwell.*

1. The bishop to be bishop of Southwell.

2. The diocese to consist of the counties of Derby and Nottingham.

3. The parish and collegiate church of Southwell, subject to the rights of the patron and incumbent of such church, to be the cathedral church.

4. Subject to the rights enjoyed by any person at the passing of this Act, there shall be transferred to the endowment fund of the bishopric of Southwell such portion of the endowment or income of the bishopric of Lincoln as would, if no deduction were made for first-fruits and tenths, yield a net annual sum of five hundred pounds, but such transfer shall be subject to the payment by the bishop of Southwell of a proportionate part of the first-fruits and tenths payable by the bishop of Lincoln.

Subject to the rights enjoyed by any person at the passing of this Act, there shall be transferred to the endowment fund of the bishopric of Southwell such portion of the endowment or income of the bishopric of Lichfield as would, if no deduction were made for first-fruits and tenths, yield a net annual sum of three hundred pounds, but such transfer shall be subject to the payment by the bishop of Southwell of a proportionate part of the first-fruits and tenths payable by the bishop of Lichfield.

5. The bishop to be subject to the metropolitan jurisdiction of the Archbishop of Canterbury.

IV.—*Bishopric of Wakefield.*

1. The bishop to be bishop of Wakefield.

2. The diocese to consist of that part of the diocese of the bishopric of Ripon which lies southward of the northern boundaries of the ancient common law parishes of Halifax, Birstal, Batley, West Ardsley, East Ardsley, and Wakefield, or of so much of that part as may be determined by the Order of Her Majesty in Council, and for the purpose of re-arranging the boundary between such diocese and the diocese of the archbishopric of York, the Order of Her Majesty in Council (on the recommendation of the Ecclesiastical Commissioners, made, unless the see happens to be vacant,

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A.D. 1878.

with the assent of the archbishop), may include in the diocese of the new bishopric any ecclesiastical parish or parishes situate in the diocese of York, and may transfer to the diocese of York any ecclesiastical parish or parishes situate in the above-mentioned part of the diocese of the bishopric of Ripon.

3. Such church at Wakefield as may be determined by the Order of Her Majesty in Council, subject to the rights of the patron and incumbent of such church, to be the cathedral church.

4. Subject to the rights enjoyed by any person at the passing of this Act, there shall be transferred to the endowment fund of the bishopric of Wakefield such portion of the endowment or income of the bishopric of Ripon as would, if no deduction were made for first-fruits and tenths, yield a net annual sum of three hundred pounds, but such transfer shall be subject to the payment by the bishop of the new bishopric of a proportionate part of the first-fruits and tenths payable by the bishop of Ripon.

5. The bishop to be subject to the metropolitan jurisdiction of the Archbishop of York.

Bishoprics. [H.L.]

A

B I L L

INTITULED

An Act to provide for the foundation of four new Bishoprics in England.

(*Brought from the Lords* 16 *May* 1878.)

Ordered, by The House of Commons, *to be Printed,* 29 *May* 1878.

[Bill 197.]

Under 2 *oz.*

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Blind and Deaf-mute Children (Education) Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. On the application of parents of any deaf-mute or blind child, board of guardians or school board shall send such child to school.
2. In cases where no application is made, board of guardians or school board may send to school.
3. Boards of guardians or school board may enter into agreement for part payment with persons on behalf of a blind or deaf-mute child for its education. Proviso.
4. In event of non-payment of money by persons agreeing, as in the last section, boards of guardians or school board shall advance and pay the same to the managers of blind or deaf and dumb schools.
5. And in case of such non-payment may sue the persons so agreeing to make payment.
6. Scholar may be retained in school till eighteen years old.
7. Provision for children being received into schools established in connexion with religion to which they belong.
8. Justices may provide suitable premises out of the county rate.

Inspection.

9. Privy Council may appoint special inspector for deaf and dumb schools.
10. That on the application of school committee of management Privy Council may order inspection.
11. That school being certified by the inspector shall receive for each pupil specified payment. Proviso.

SCHEDULE.

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B I L L

FOR

The Education of Blind and Deaf-mute Children. A.D. 1878.

WHEREAS it is desirable to provide more effectual means for the education of blind and deaf-mute children than are now in force, and to give to schools and asylums instituted for the purposes of such education the advantages of due inspection under Government:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

On the application of parents of any deaf-mute or blind child, board of guardians or school board shall send such child to school.

1. The guardians of any union or parish (with the approval of the Poor Law Board), or any school board formed under the provisions of the Elementary Education Act, 1870, shall, on the application of the parents or surviving parent, or of any persons or person standing in loco parentis towards any deaf-mute or blind child under the age of *fourteen* years, send any such deaf-mute or blind child to any school fitted for the reception of such child, whether such school shall or shall not have been certified under the provisions of the twenty-fifth and twenty-sixth Victoria, chapter forty-three, and whether or not it be supported wholly or partially by voluntary subscription, the managers of which shall be willing to receive such child, and such guardians or school board shall pay out of the funds in their possession the expenses incurred in the maintenance, clothing, and education of such child therein during the time such child shall remain at such school, and in the conveyance of such child to and from the same institution, and in case of his or her death the expenses of his or her burial.

In cases where no application

2. In cases where no such application shall be made as in the last section is mentioned, the guardians of any union or parish

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A.D. 1878.

is made, Board of Guardians or school board may send to school.

may, with the approval of the Poor Law Board, or any such school board, at its discretion, may send any deaf-mute or blind child to any school fitted for the reception of such child, whether such school shall or shall not have been certified under the provisions of the twenty-fifth and twenty-sixth Victoria, chapter forty-three, and whether or not it be supported wholly or partially by voluntary subscription, the managers of which shall be willing to receive such child; and such guardians shall pay out of the funds in their possession the expenses incurred in the maintenance, clothing, and education of such child therein during the time such child shall remain at such school, and in the conveyance of such child to and from the same institution, and in the case of his or her death the expenses of his or her burial.

Boards of guardians or school board may enter into agreement for part payment with persons on behalf of a blind or deaf-mute child for its education.

3. In cases where the parents or surviving parent of, or persons or person standing in loco parentis towards any deaf-mute or blind child under the age of *fourteen* years shall make an offer to the guardians of any union or parish wherein such child shall be then resident, or to any such school board as aforesaid, to pay or contribute any sum of money for the partial support of any such last-mentioned child in any such institution, such offer shall be reduced into writing in the form mentioned in the schedule hereto, and signed by the persons or person respectively offering the same, and the clerk to the guardians for the time being of such union or parish, or school board clerk, as the case may require, and thereupon the guardians of such union or parish, with the approval of the Poor Law Board, or such school board as aforesaid, may from time to time pay out of the money in their possession the residue of the expenses incurred in the maintenance, clothing, and education of such child in such institution as in the first section of this Act is mentioned: Provided always, that with reference to any case under the present section of this Act the choice and selection of such institution shall be placed exclusively with the guardians of the union or parish or school board, as the case may require, contributing the residue of such expenditure.

Proviso.

In event of non-payment of money by persons agreeing, as in the last section, boards of guardians or school board shall advance and pay the same to the managers of blind or deaf and dumb schools.

4. In order to secure the education of such child as mentioned in the last foregoing section of this Act as aforesaid, in the event of nonpayment by the persons or person who have or has so agreed to make the said contribution so offered as aforesaid, then the guardians of such union or parish, or such school board as aforesaid, shall advance and pay to the managers of the institution in which such deaf-mute or blind child shall have been placed the amount of the contributions so offered to be made as aforesaid.

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A.D. 1878.

And in case of such non-payment may sue the persons so agreeing to make payment.

5. In the event of default being made in the due payment of such contribution as aforesaid the guardians of such union, or such school board as aforesaid, may, after the same contribution shall have become due, if they think fit, order and direct their clerk for the time being to bring an action or actions from time to time in the county court of the district in which such union or parish is situate, or in one of the next neighbouring county courts thereto, against the persons or person so having signed such written agreement as last aforesaid, and in case of the death of the persons or person so having signed as aforesaid, against the executors or executor of such deceased persons or person for the recovery of such sum of money as such guardians or school board may have paid to such managers as last aforesaid, and the costs of suit incident to such recovery: Provided always, that any such agreement shall not require to have any stamp affixed thereto or be chargeable with any stamp duty thereupon.

Scholar may be retained in school till eighteen years old.

6. Any child or young person mentioned or referred to in any of the foregoing sections may (being then in such institution as a school pupil) be kept in the same on the like terms, and with the approval of the Poor Law Board, and the sanction of his or her parents or surviving parent of, or the persons or person standing in loco parentis towards such young person, and the managing committee of such institution, until such young person shall have attained any age not exceeding *eighteen* years.

Provision for children being received into schools established in connexion with religion to which they belong.

7. Any school to which any deaf-mute or blind child shall be sent by virtue of this Act shall be a school established for the reception of children of the religion to which such child shall belong, and in case of any question arising as to the religion of such child the same shall be determined by the Poor Law Board, whose decision shall be conclusive; and any payment of any money on behalf of the instruction and maintenance of such deaf-mute or blind child or children by virtue of this Act shall not be deemed to be parochial relief given to the parent of any such child or children.

Justices may provide suitable premises out of the county rate.

8. The justices of any county or riding, or those of any city or borough having a separate court of quarter sessions, may at any general or quarter sessions to be held not less than fourteen days after the publication by the clerk of the peace of a notice by advertisement under his hand or the hand of his deputy to that effect, if they think fit so to do, determine on purchasing or providing, out of the county rate or borough rate (as the case may be), a suitable building or buildings for the care, training, and education

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of blind children or deaf-mute children, or either of them, and may appoint a separate committee for the management of such building and premises, as well as for the admission of pupils and the due conduct of the education taught therein.

Inspection.

Privy Council may appoint special inspector for deaf and dumbschools.

9. The Lords for the time being of the Privy Council may, under the rules and regulations from time to time laid down in the revised code issued by them in reference to education, appoint a special inspector for examining and certifying the schools for the deaf-mute in like manner as other school inspectors are now appointed.

That on the application of school committee of management Privy Council may order inspection.

10. On the application in writing duly made by the committee of management of any school for the blind or for the deaf-mute and transmitted to the Lords for the time being of the Privy Council, asking for Governmental inspection, any such school may be inspected and certified by such special inspector under the rules and regulations of the said revised code which shall from time to time be in force.

That school being certified by the inspector shall receive for each pupil specified payment.

11. *If and when any school for the blind or for the deaf-mute shall have been so certified as aforesaid, the managing committee shall be entitled to receive and shall receive in respect of each such child as shall for the last twelve months have been and shall then be duly entered by name upon the books of such school, and be at the time of the said examination a pupil thereat, the sum of .*

Proviso.

Provided always, that it shall not be requisite in order to entitle such school to receive any payment of money under this present section that it should contain any specified number at the least of scholars or pupils at the date of such inspection.

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SCHEDULE.

MEMORANDUM OF AGREEMENT made this day of 18 , between *A.B.*, of and *C.D.*, of , for and on behalf of one *W.J.*, a blind [*or* deaf-mute] child under the age of fourteen years, of the one part, and *E.F.*, the clerk for the time being to the Board of Guardians of the Union [*or* Parish] or the School Board of the District of *X.*, in the county of *Y.*, of the other part, witnesseth, that in consideration of the said *W.J.* being maintained, clothed, and educated by the said Board of Guardians until he [*or* she] shall be duly removed therefrom, or shall have attained the age of [*eighteen*] years, they the said *A.B.* and *C.D.*, their executors or administrators, will annually pay or cause to be paid to the Board of Guardians for the time being of the said union [*or* parish] the sum of without deduction, pursuant to the terms and conditions mentioned in an Act of Parliament passed in a session of Parliament held in the thirty-third and thirty-fourth years of the reign of Her present Majesty Queen Victoria, intituled "An Act for making further provision "for the Education of Blind and Deaf-mute Children."

Given under our hands and seals the day and year first above written.

A.B. (L.S.)
C.D. (L.S.)

E.F. (L.S.)
Clerk to the said [Board of Guardians]
or [School Board] of *X.*

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Blind and Deaf-mute Children (Education).

A

B I L L

For the Education of Blind and Deaf-mute Children.

(*Prepared and brought in by Mr. Wheelhouse, Sir Andrew Lusk, and Mr. Isaac.*)

Ordered, by The House of Commons, *to be Printed* 18 *January* 1878.

[Bill 72.]

Under 1 *oz.*

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Blind and Deaf-mute Children (Education) Bill.

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Clause.

1. On the application of parents of any deaf-mute or blind child, board of guardians or school board may send such child to school.
2. Scholar may be retained in school till eighteen years old.
3. Provision for children being received into schools established in connexion with religion to which they belong.
4. Justices may provide suitable premises out of the county rate.
5. Local Government Board under certain circumstances may order removal of child from school.
6. Interpretation.

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A

B I L L

[AS AMENDED IN COMMITTEE]

FOR

The Education of Blind and Deaf-mute Children.

A.D. 1878

WHEREAS it is desirable to provide more effectual means for the education of blind and deaf-mute children than are now in force, and to give to schools and asylums instituted for the purposes of such education the advantages of due inspection under Government:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

On the application of parents of any deaf-mute or blind child, board of guardians or school board may send such child to school.

1. The guardians of any union or parish, in case of any deaf-mute or blind pauper child, being an orphan or deserted, and in the case of any other deaf-mute or blind child, on the application or with the consent of the parent of such child, and upon being satisfied of the inability of the parent to provide wholly or partly for the special training and education of such child, may, with the approval of the Local Government Board, send any such deaf-mute or blind child, being under the age of fourteen years, to any school fitted for the reception of such child, whether such school shall or shall not have been certified under the provisions of the twenty-fifth and twenty-sixth Victoria, chapter forty-three, and whether or not it be supported wholly or partially by voluntary subscription, the managers of which shall be willing to receive such child, and such guardians or school board shall pay out of the funds in their possession the expenses incurred in the maintenance, clothing, and education of such child therein during the time such child shall remain at such school, and in the conveyance of such child to and from the same institution, and in case of his or her death the expenses of his or her burial.

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A.D. 1878.

Provided that if it appears to the guardians that the parent is able to bear a portion of any such expenses as aforesaid, they may declare such portion of the said expenses to be given by way of loan, and the same may be recovered in like manner as relief given by way of loan under the provisions of the Poor Law Acts.

Scholar may be retained in school till eighteen years old.

2. Any such deaf-mute or blind child may be kept in any such institution on the like terms, and with the approval of the Local Government Board, and the sanction of his or her parents or surviving parent of, or the persons or person standing in loco parentis towards such young person, and the managing committee of such institution, until such child shall have attained any age not exceeding eighteen years.

Provision for children being received into schools established in connexion with religion to which they belong.

3. Any school to which any deaf-mute or blind child shall be sent by virtue of this Act shall be a school established for the reception of children of the religion to which such child shall belong, and in case of any question arising as to the religion of such child the same shall be determined by the Local Government Board, whose decision shall be conclusive; and any payment of any money on behalf of the instruction and maintenance of such deaf-mute or blind child or children by virtue of this Act shall not be deemed to be parochial relief given to the parent of any such child or children.

Justices may provide suitable premises out of the county rate.

4. The justices of any county or riding, or those of any city or borough having a separate court of quarter sessions, may at any general or quarter sessions to be held not less than fourteen days after the publication by the clerk of the peace of a notice by advertisement under his hand or the hand of his deputy to that effect, if they think fit so to do, determine on purchasing or providing, out of the county rate or borough rate (as the case may be), a suitable building or buildings for the care, training, and education of blind children or deaf-mute children, or either of them, and may appoint a separate committee for the management of such building and premises, as well as for the admission of pupils and the due conduct of the education taught therein.

Local Government Board under certain circumstances may order removal of child from school.

5. The Local Government Board shall have the same power of ordering the removal of any such deaf-mute or blind child from any such school as aforesaid as they have of ordering the removal of a pauper child from any school certified by them under the provisions of the Act of the twenty-fifth and twenty-sixth years of Her present Majesty, chapter forty-eight, and every school to which any deaf-mute or blind child shall be sent under this Act shall be

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open to the visitation and inspection of any inspector appointed by the same Board.

Interpretation.

6. The term "parent" in this Act includes guardian and every person who is liable to maintain or has the actual custody of any child, and the words herein contained shall be construed as in the Poor Law Amendment Act, 1834, and the Acts amending or extending the same.

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Blind and Deaf-mute Children (Education).

A

B I L L

[AS AMENDED IN COMMITTEE]

For the Education of Blind and Deaf-mute Children.

(*Prepared and brought in by Mr. Wheelhouse, Sir Andrew Lusk, and Mr. Isaac.*)

Ordered, by The House of Commons, *to be Printed*, 15 *March* 1878.

[Bill 130.]

Under 1 *oz.*

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Borough Franchise (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Clause.

Preamble.

1. Short title of Act.
2. Repeal of present occupation franchise.
3. Occupation franchise in cities, towns, and boroughs.
4. When value of premises under one pound immediate lessors to be rated.
5. Precepts, &c. to be made conformable to this Act.
6. Provisions as to registration to continue in force.
7. Supplemental lists of new voters of the next year to be made out.
8. Special revisional supplemental lists.
9. List of town clerk, proof that claim is duly made.
10. Construction of Act.
11. Definition of Registration Acts.

SCHEDULE.

[Bill 141.] A

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A

B I L L

TO

Extend the Borough Franchise in Ireland.

A.D. 1878.

Preamble.

WHEREAS it is just and expedient to extend the parliamentary franchise in the towns, cities, and boroughs in Ireland:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title of Act.

1. This Act may upon all occasions and for all purposes be cited as "The Borough Franchise (Ireland) Act, 1878:"

Repeal of present occupation franchise.

2. *From and after the passing of this Act* the third clause of "The Representation of the People (Ireland) Act, 1868," shall be and the same is hereby repealed; but such appeal shall not affect the validity of any register of voters which shall be in force on that day, and the same shall continue in full force and effect as if this Act had not been passed.

Occupation franchise in cities, towns, and boroughs.

3. *From and after the passing of this Act* the fifth section of the Act of the thirteenth and fourteenth years of the reign of Her present Majesty, chapter sixty-nine, and all other sections or parts of the same Act which relate to or affect the parliamentary franchise in the cities, towns, and boroughs in Ireland, or the registration of voters upon whom it is conferred, and in which are the words "eight pounds" in reference to the said franchise, shall be read and construed as if the words "*one pound* or upwards" had been used and were substituted in the said fifth and other sections instead of and for the words "eight pounds," and so and in such manner that, subject to all the provisions of the said Act and all Acts amending the same, the occupation of lands, tenements, or hereditaments rated at the net annual value of "*one pound* or upwards" shall be as effectual to qualify any man to be registered as a voter and when registered to vote at any election of members to serve in Parliament for any city, town, or borough in Ireland to be held after the passing of this Act as the occupation

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A.D. 1878.

of lands, tenements, and hereditaments rated at the annual value of more than four pounds was before the passing of this Act; and in all provisions relating to such occupation, registration, or voting, and in all lists, returns, precepts, notices, or other forms made or fixed in pursuance of the provisions of the Registration Acts the words "*one pound* and upwards" shall, where necessary, be substituted for the words "more than four pounds."

When value of premises under 1*l.* immediate lessors to be rated.

4. *From and after the passing of this Act* the fourteenth section of the Act passed in the thirty-first and thirty-second years of the reign of Her present Majesty, chapter forty-nine, and all other sections or parts of the same Act which relate to or affect the franchise to the parliamentary franchise in the towns, cities, or boroughs in Ireland, or the registration of voters upon whom such franchise is conferred, and in which are the words "more than four pounds" in reference to said franchise, shall be read and construed as if the words "*one pound* or upwards" had been used and were substituted in the said fourteenth and other sections and parts instead of and for the words "more than four pounds;" and whenever in the said fourteenth or other sections the words "not exceed four pounds" shall occur the same shall be construed and read as if the words "be less than *one pound*" had been used and were substituted instead of and for the words "not exceed four pounds."

Precepts, &c. to be made conformable to this Act.

5. All precepts, instruments, proceedings, and notices relating to the registration of voters shall be framed and expressed in such a manner and form as may be necessary for carrying the provisions of this Act into effect.

Provisions as to registration to continue in force.

6. All the provisions of any statute which are now in force relating to the preparation and publishing of any lists of voters or persons claiming to vote in any city, town, or borough, or relating to the revision of such lists, or the service of objections or claims, or in anywise relating to the registration of voters in any city, town, or borough, shall be and continue to be in full force and effect as if this Act had not been passed, save only that all such lists shall be prepared and revised, and all such proceedings had, as if the qualifications herein-before defined had been substituted for the qualifications enacted by the third section of "The Representation of the People (Ireland) Act, 1868."

Supplemental lists of new voters of the next year to be made out.

7. And whereas it is expedient that opportunity should be given to persons for the first time entitled to the franchise under this Act of being placed on the register for the ensuing year:

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A.D. 1878.

Be it enacted, that in every city, town, and borough returning a Member or Members to Parliament, there shall be prepared, in manner herein-after mentioned, a supplemental list of voters for the next ensuing year, and a special registration sessions for the purpose of revising such list shall be held in manner herein-after provided.

Such supplemental list of voters shall be prepared and revised in the manner herein-after prescribed; that is to say,

It shall be lawful for any person who on the twentieth day of July in this present year shall have occupied any dwelling-house in the said city, town, or borough rated in the then last rate for the relief of the poor at the net annual value of one pound or upwards, to serve a notice of claim on the town clerk in the form contained in the schedule to this Act annexed, on or before the first day of October next.

The town clerk shall include the names of all persons so claiming in a list to be made out, signed, printed, and published in the same manner as the lists of claimants at any ordinary registration are now required to be made out, signed, printed, and published, and all the provisions now in force as to any list of claimants at such ordinary registration, and the mode of dealing with same, and the making of objections to any claimant, and the publication of the lists of persons objected to, and the revising of the lists of claimants, and all other provisions in anywise relating thereto, shall, unless where they are herein expressly altered, be applicable to the supplemental list of claimants under this Act, subject to the following special provisions:

The list of claimants shall be published on or before the *eighth of October*.

Notice of objection shall be given to the claimant and the town clerk on or before the *twentieth of October*.

The list of persons objected to shall be published on or before the *twenty-second day of October*.

No person shall be entitled to object to any claimant except a person whose name shall be on the registry of voters then in force, or on that to come into force for the then next ensuing year.

It shall be a sufficient cause of objection to any claimant that the premises in respect of which he claims were on the twentieth day of July rated at a value exceeding *four pounds*.

No person shall be objected to on the ground that he had not been rated in respect of the lands, tenements, and hereditaments out of which he claims to be qualified, but every person who on the twentieth day of July shall have been in occupation of such lands, tenements, and hereditaments, and shall have occupied same for twelve full calendar months immediately preceding, shall be

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A.D. 1878.

deemed, with reference to the special registration herein provided, to be qualified under this Act, although he is not rated in respect of same.

Special revisional supplemental lists.

8. The county court judge, chairman, or other person or persons whose duty it is to revise the lists of voters for any city, town, or borough shall hold a special registration sessions on some day in the month of November, of which not less than ten days notice shall be given, and shall at such special sessions proceed to revise the said supplemental list of claimants in the same manner as lists of claimants at ordinary registrations are revised.

The list of claimants when so revised shall be signed by the county court judge, chairman, or other person or persons authorised to revise the same, and shall be handed by him or them to the clerk of the peace acting for such said city, town, or borough, and such list shall be called the supplemental list of voters and all persons whose names appear upon such list shall be entitled to vote at any election thereafter taking place, in the same manner and during the same period as if their names had appeared upon the list of voters revised at the last ordinary registration for such city, town, or borough.

All the proceedings at such special registration shall be conducted in the same manner in all respects, and be subject to the same rules in respect of appeal and otherwise, as are provided by the statutes now in force in respect of the ordinary registration of voters for any city, town, or borough.

List of town clerk, proof that claim is duly made.

9. At any registration, ordinary or special, held for any city, town, or borough after the passing of this Act the appearance of the name of any person upon any list of claimants published by the town clerk shall be taken as primâ facie proof that the claim set forth in such list was duly made by the claimant, and every claim purporting to be made on behalf of any person to be registered as a voter shall be deemed to be made by him or his authority unless and until such person shall disclaim the same.

Construction of Act.

10. This Act, so far as is consistent with the tenor thereof, shall be construed as one with the enactments for the time being in force relating to the representation of the people in Ireland, and with the Registration Acts.

Definition of Registration Acts.

11. The Registration Acts shall mean the Act of the thirteenth and fourteenth years of the reign of Her present Majesty, chapter sixty-nine, and all other Acts or parts of Acts relating to the registration or qualifications of persons entitled to vote at the election of Members to serve in Parliament for Ireland as amended by this Act.

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SCHEDULE.

FORM OF CLAIM.

Sir,

I hereby claim to have my name inserted on the supplemental list of voters for the [city, town, *or* borough] for the ensuing year.

I do so as having on the twentieth of July last, and for twelve months previously, occupied lands, tenements, and hereditaments in the said [city, town, *or* borough] situate [*describe the lands, tenements, and hereditaments particularly by the number and street*] rated in the then last rate for the relief of the poor at the net annual value of one pound or upwards.

A.B.,
of [*residence*].

To the Town Clerk of

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Borough Franchise (Ireland).

A

B I L L

To extend the Borough Franchise in Ireland.

(*Prepared and brought in by Mr. Meldon, Mr. Butt, Mr. Gray, and Mr. Maurice Brooks.*)

Ordered, by The House of Commons, *to be Printed*, 3 *April* 1878.

[Bill 141.]

Under 1 *oz.*

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Borough Voters Bill.

ARRANGEMENT OF CLAUSES.

Preliminary.

Clause.
1. Short title.
2. Application of Act.
3. Extent of Act.
4. Commencement of Act.
5. Definitions.

PART I.

QUALIFICATION.

6. Explanation of terms "dwelling-house," "warehouse," &c.
7. Definition of lodger.
8. Qualification of lodger.
9. Successive qualifications.
10. Period of qualification.

PART II.

REGISTRATION.

Parliamentary and Municipal Registration.

11. Preparation of burgess lists with parliamentary lists.
12. Application of Parliamentary Registration Acts to burgess lists.
13. Notice as to borough rates.
14. Lists of persons qualified to be aldermen or councillors, but not to be burgesses.
15. Correction of burgess roll.
16. Abolition of assessors in certain municipal boroughs.
17. Expenses and receipts.

Claims and Objections.

18. Claim by lodger retaining same lodgings in successive years.
19. Grounds of objection to be specified in notice.

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Revision.

Clause.
20. Duties and powers of revising barrister.
21. Declaration of lodger to be primâ facie proof of title.
22. Declaration as to place of abode.
23. Costs of objections.
24. Appeal against decision of revising barrister.
25. Power to make rules for proceedings at revision courts.

Supplemental.

26. Explanation of 32 & 33 Vict. c. 41. s. 19, as to entering occupiers name on rate book.
27. Alteration of dates.
28. Arrangement of lists and registers.
29. Publication of overseers lists.
30. Registrars to furnish notices of deaths to overseers.
31. List of persons disqualified by parochial relief.
32. Provision where register wanting or defective.
33. Inaccuracies in register and burgess roll.
34. Forms in schedule, &c.
35. Saving for existing registers and burgess rolls.
36. Repeal of 6 Vict. c. 18. s. 40. as to boroughs.

SCHEDULE.

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A

B I L L

TO

Amend the Law with respect to the Qualification and Registration of Borough Voters in England and Wales. A.D. 1878.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

Short title. **1.** This Act may be cited as the Borough Voters Act, 1878.

Application of Act. **2.** This Act shall not apply to the election of members to serve in Parliament for counties, or for the universities of Oxford, Cambridge, or London.

Extent of Act. **3.** This Act shall not extend to Scotland or Ireland.

Commencement of Act. **4.** This Act shall come into operation on the *first day of May one thousand eight hundred and seventy-nine*, which date is in this Act referred to as the commencement of this Act.

Definitions. **5.** In this Act, unless the context otherwise requires—

The term "Reform Act, 1832," means the Act of the second year of the reign of King William the Fourth, chapter forty-five, "to amend the representation of the people in England and "Wales:"

The term "Municipal Corporation Acts" means the Municipal Corporation Act, 1835, and the Acts amending the same: 5 & 6 W. 4. c. 76.

The term "Parliamentary Electors Registration Act, 1843," means the Act of the session of the sixth and seventh years of the reign of Her present Majesty, chapter eighteen, "to amend "the law for the registration of persons entitled to vote, and "to define certain rights of voting, and to regulate certain "proceedings in the election of members to serve in Parliament "for England and Wales:"

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A.D. 1878.

The term "Parliamentary Electors Registration Acts" means the Parliamentary Electors Registration Act, 1843, and any enactment amending the same, or otherwise relating to the registration of parliamentary electors:

The term "parliamentary borough" means a city or borough as defined by the Parliamentary Electors Registration Act, 1843:

The term "municipal borough" means any place for the time being subject to the Municipal Corporation Acts:

The term "borough" includes parliamentary and municipal borough:

The term "parliamentary elector," used in relation to a borough, means a person entitled to vote at the election of a member or members to serve in Parliament for that borough:

The term "burgess" has the same meaning as in the Municipal Corporation Acts:

The term "parish" means a place for which a separate poor rate is or can be made, or for which a separate overseer is or can be appointed:

Other terms used in this Act have the same meaning as in the Parliamentary Electors Registration Acts.

PART I.

QUALIFICATION.

Explanation of terms "dwelling-house," "warehouse," &c. 2 Will. 4. c. 45. s. 27. 32 & 33 Vict. c. 55. s. 1. 30 & 31 Vict. c. 102. s. 3.

6. In and for the purposes of the Reform Act, 1832, and the Municipal Corporation Acts, the terms "warehouse, counting-house, shop, or other building" shall include any part of a house, where that part is separately occupied for purposes of business, and a separate rate; and any such part may, for the purpose of this qualification, be described as "office," "chambers," "studio," or by any like term applicable to the case.

In and for the purposes of the Representation of the People Act, 1867, the term "dwelling-house" shall include any part of a house where that part is separately occupied as a residence, and a separate rate.

Where an occupier is entitled to the sole and exclusive use of any part of a house, that part shall be deemed to be separately occupied, notwithstanding that the occupier is entitled to the joint use of any other part.

Definition of lodger.

7. Every person who pays rent in respect of his residence, and is not an inhabitant occupier of a dwelling-house within the meaning of section three of the Representation of the People Act, 1867, shall be deemed a lodger within the meaning of section four of that Act.

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A.D. 1878.

Qualification of lodger.

8. With respect to the qualification of lodgers, the following provisions shall have effect :

(1.) Lodgings occupied by a person in any year or two successive years shall not be deemed to be different lodgings by reason only that in that year, or in either of those years, he has, in addition to those lodgings, also occupied some other room or place.

(2.) For the purpose of qualifying a lodger to vote, the occupation in immediate succession of different lodgings of the requisite value in the same house shall have the same effect as continued occupation of the same lodgings.

(3.) Where lodgings are jointly occupied by more than one lodger, and the clear yearly value of the lodgings, if let unfurnished, is of an amount which when divided by the number of the lodgers gives a sum of not less than ten pounds for each lodger, then each lodger, if otherwise qualified, shall be entitled to be registered, and when registered to vote as a lodger.

Successive qualifications.

9. Different qualifications held in immediate succession by any person shall have the same effect in qualifying him to vote as a continued holding of the same qualification, except that if one of the qualifications is in respect of lodgings, the person shall not be entitled to vote unless he claims in the same manner in which all lodgers are required to claim.

Period of qualification.

10. The period of qualification for parliamentary electors and burgesses shall end on the *twenty-fourth day of June* in each year instead of on the last day of July.

PART II.

REGISTRATION.

Parliamentary and Municipal Registration.

Preparation of burgess lists with parliamentary lists.

11. Where a municipal borough is wholly or partly coincident with a parliamentary borough, the lists of parliamentary electors and of burgesses shall, so far as practicable, be made out and revised together.

In every such case the overseers of every parish situate wholly or partly either in the parliamentary or in the municipal borough shall, on or before the *last day of July* in every year, make out a list of all persons entitled under any right conferred by the Reform Act, 1832, or by section three of the Representation of the People

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A.D. 1878.

Act, 1867, to be registered as voters for the parliamentary borough in respect of the occupation of property situate wholly or partly within that parish, or entitled to be enrolled as burgesses for the municipal borough in respect of the occupation of any property so situate.

With respect to every list so made out, the following provisions shall have effect:

(1.) The lists shall be in substitution for the lists of persons so entitled which are required to be made out under the Parliamentary Electors Registration Acts and the Municipal Corporation Acts.

(2.) Where the parish is situate wholly or partly both in the parliamentary borough and in the municipal borough, the list for the parish shall be made out in three divisions:

Division one shall comprise the names of the persons entitled both to be registered as parliamentary voters and to be enrolled as burgesses.

Division two shall comprise the names of the persons entitled to be registered as parliamentary voters but not to be enrolled as burgesses.

Division three shall comprise the names of the persons entitled to be enrolled as burgesses, but not to be registered as parliamentary voters.

(3.) Each list shall state the surname and other name of every person whose name is inserted therein, his abode, the nature of his qualification, and the situation and description of the property in respect of which he is entitled.

(4.) Each list, or if the list is made out in divisions, each division shall be signed and otherwise dealt with in manner directed by the Parliamentary Electors Registration Acts with respect to the alphabetical lists mentioned in section thirteen of the Parliamentary Electors Registration Act, 1843.

(5.) Where no part of the parish is situate within the municipal borough, the list for the parish shall be deemed to be a list of voters for the parliamentary borough.

(6.) Where no part of the parish is situate within the parliamentary borough, the list for the parish shall be deemed to be a burgess list for the municipal borough.

(7.) Where the list is made out in divisions, divisions one and two shall be deemed to be lists of voters for the parliamentary borough, and divisions one and three shall be deemed to be burgess lists for the municipal borough.

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(8.) The lists and each division thereof may, according to convenience for use, be framed in parts for polling districts or wards, and where the polling districts and wards are not conterminous, in such manner that the parts may be conveniently compiled or put together to serve either as lists for polling districts or as ward lists.

Application of Parliamentary Registration Acts to burgess lists.

12. The Municipal Corporation Acts shall not apply to any burgess list made out under this Act, and instead thereof the Parliamentary Electors Registration Acts (including this Act) shall apply to every such burgess list as if it were a list of voters made out under those Acts, and as if the term "borough" as used in those Acts included municipal borough: Provided as follows:

(1.) Nothing in this Act shall authorise a person entered on a burgess list, not being also a list of parliamentary voters, to make any objection in respect of a list of parliamentary voters, or any person entered on a list of parliamentary voters, not being also a burgess list, to make any objection in respect of a burgess list;

(2.) The last day for revising a burgess list made out under this Act shall be the *fifteenth day of October*; and

(3.) The burgess lists when revised shall be dealt with in manner directed by the Municipal Corporation Acts.

Notice as to borough rates.

13. Where a municipal borough is wholly or partly coincident with a parliamentary borough, section eleven of the Parliamentary Electors Registration Act, 1843, and section twenty-eight of the Representation of the People Act, 1867, (which relate to the notices to be published and given with respect to rates and taxes in arrear) shall, as amended by this Act, extend, with the necessary modifications, to the rates of which the payment is required as a condition of enrolment on the burgess roll; and all the provisions of those sections as so amended shall apply to the overseers of parishes situate wholly or partly in a municipal borough accordingly.

Lists of persons qualified to be aldermen or councillors, but not to be burgesses. See 32 & 33 Vict. c. 55. s. 3.

14. Where a municipal borough is wholly or partly coincident with a parliamentary borough, the separate lists of the persons entitled to be elected councillors or aldermen of the municipal borough, though not entitled to be on the burgess roll, shall be made out at the same time and in the same manner as the burgess lists, and all the provisions of this Act with respect to the burgess lists shall apply to those separate lists.

Correction of burgess roll

15. Where a burgess roll is made up from burgess lists made out under this Act, the provisions of the Parliamentary Electors Registration Acts as to the alteration or correction of the register in

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pursuance of any judgment or order of the court of appeal shall apply to the alteration or correction of the burgess roll as if it were a register of parliamentary electors, except that the notice of the judgment or order shall be given to the town clerk having the custody of the burgess roll, and the alteration or correction shall be made and signed by him.

Abolition of assessors in certain municipal boroughs.

16. After the commencement of this Act assessors shall not be elected in any municipal borough which is wholly or partly coincident with a parliamentary borough, and any assessors elected in any such borough before the commencement of this Act shall cease to hold office upon the commencement of this Act.

Expenses and receipts.

17. Where a municipal borough is wholly or partly coincident with a parliamentary borough, one half of the expenses properly incurred by the town clerk and overseers in carrying into effect the provisions of this Act with respect to the lists of parliamentary voters and burgess lists shall be defrayed in the manner provided by the Parliamentary Electors Registration Acts, as expenses incurred thereunder, and the other half shall be defrayed out of the borough fund; and one half of the moneys received by any town clerk in respect of any of those lists shall be applied in the manner directed by those Acts, and the other half paid to the borough fund.

Claims and Objections.

Claim by lodger retaining same lodgings in successive years. See 6 Vict. c. 18. s. 4.

18. Where a person is entered in respect of lodgings on the register of voters for the time being in force, and desires to be entered in the next register in respect of the same lodgings, he may claim to be so entered by sending notice of his claim to the overseers of the parish in which his lodgings are situate on or before the *twentieth day of July*.

The overseers shall, on or before the *last day of July*, make out a list of all persons so claiming, and if they have reasonable cause to believe that any person whose name is entered on the list is not entitled to be registered, or is dead, shall add in the margin of the list opposite his name the words "objected to" or "dead," as the case may be.

The lists so made out shall be signed, published, and otherwise dealt with in the same manner as the alphabetical lists mentioned in section thirteen of the Parliamentary Electors Registration Act, 1843, and shall for the purposes of the Parliamentary Electors Registration Acts be deemed to be lists of voters and not lists of claimants, and the persons against whose names the overseers have

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so written the words "objected to" or "dead" shall be deemed to be duly objected to.

Grounds of objection to be specified in notice. See 28 & 29 Vict. c. 36. s. 6.

19. A notice of objection to a person on a list of voters for a parliamentary borough, or a burgess list for a municipal borough, shall not be valid unless it specifies the grounds of objection.

Revision.

Duties and powers of revising barrister.

20. A revising barrister shall, with respect to the lists of voters which he is appointed to revise, perform the duties and have the powers following:

(1.) He shall insert in the proper list of voters the name of every person who has duly claimed to have his name inserted therein, and is proved to be so entitled.

(2.) He shall erase the name of every person who, whether objected to or not, is proved to be dead or to be not entitled to have his name inserted.

(3.) Subject as aforesaid, he shall retain the name of every person not objected to, and also of every person objected to unless the objector appears, by himself or by some person on his behalf, in support of his objection.

(4.) If the objector so appears, the revising barrister shall require him, unless he is an overseer, to give primâ facie proof of the ground of objection, and for that purpose may himself examine and allow the objector to examine the overseers on oath touching the alleged ground of objection, and unless such primâ facie proof is given to his satisfaction, shall retain the name of the person objected to. An objection by overseers shall be deemed to be primâ facie proved.

(5.) If such primâ facie proof is given, and the person objected to does not appear, by himself or by some person on his behalf, or so appearing, does not prove his title to be on the lists, the revising barrister shall erase his name.

(6.) Where the name of any person is entered more than once on the lists of voters for the same parliamentary or municipal borough, the revising barrister, on being satisfied that the entries relate to the same person, shall retain one of the entries and erase the other or others. Any such person may, by notice in writing delivered to the revising barrister at the opening of his first revision court, select the entry to be retained; but if he does not, the entry to be retained shall be selected by the revising barrister.

(7.) Where the qualification in respect of which a person's name is entered in any list either of voters or of claimants is

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insufficient or inaccurate, but it is proved that the person is in fact entitled to have his name inserted in the lists of voters, the revising barrister shall either amend the list of voters in which the name is entered by substituting the correct qualification, or, as the case may be, insert the name with the qualification as proved in the proper list of voters.

(8.) The revising barrister may amend any clerical or accidental mistake or omission in any list, claim, notice, or objection.

(9.) He may, by summons under his hand, require any person to attend at the court, and give evidence or produce documents for the purpose of the revision, and any person who, after the tender to him of a reasonable amount for his expenses, fails so to attend, or who fails to answer any question put to him by the revising barrister in pursuance of this section, or to produce any document which he is required in pursuance of this section to produce, shall be liable to pay such fine, not exceeding *five pounds*, as may be imposed by the barrister; and such fine may be recovered, and when recovered shall be applied in like manner as any other fine imposed by the revising barrister under the Parliamentary Electors Registration Acts.

Declaration of lodger to be primâ facie proof of title.

21. In the case of a person claiming to vote as a lodger the statutory declaration annexed to his notice of claim shall, for the purposes of revision, be primâ facie evidence of his qualification.

Declaration as to place of abode.

See 28 & 29 Vict. c. 36. s. 10.

22. Any person whose name appears in any list of voters for a borough, and whose place of abode is not correctly stated in that list, or who has received a notice of objection grounded on his place of abode and is otherwise qualified to have his name inserted in the list in respect of the qualification therein mentioned, may, if he thinks fit, make and subscribe a declaration as to his place of abode before any justice of the peace or any commissioner or other person authorised to administer oaths in the Supreme Court of Judicature.

The declaration shall be duly dated, and shall on or before the day next but two before the first day for the holding of a court of revision be sent to the overseers of the parish in which the qualifying property to which it relates is situate.

The overseers shall endorse on the declaration the names of the parish, and of the declarant, and the date on which they received the declaration, and shall affix their initials to the endorsement, and shall deliver all such declarations to the revising barrister at his first court, arranged according to the alphabetical order of the parishes in the borough.

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If the declaration is sent to the overseers in due time (of which the endorsement by the overseers shall be primâ facie proof), the revising barrister shall receive it as evidence of the place of abode of the declarant, and that without proof of the signature of the declarant, or of the justice, commissioner, or person before whom the declaration purports to have been subscribed, unless he has good reason to doubt the genuineness of any signature thereto.

The declarations shall be open to public inspection at the office of the overseers at any time between the hours of *ten* of the clock in the forenoon and *four* of the clock in the afternoon of any day, except Sunday, before the first day for the holding of the court of revision, and the overseers shall deliver copies thereof on application and payment of the price of fourpence per folio of seventy-two words.

If any person falsely or fraudulently signs any such declaration in the name of any other person, whether that person is living or dead, or in a fictitious name, or sends as genuine any false or falsified declaration, knowing the same to be false or falsified, or knowingly and wilfully makes any false statement of fact in any such declaration, he shall be guilty of a misdemeanour, and punishable by fine or by imprisonment for a term not exceeding *one year*, and the revising barrister shall have power to impound the declaration.

Costs of objections.

23. Where objection is made to any person whose name appears on a list of voters, and the name is retained on the list, the revising barrister shall, unless for special reasons he otherwise determines, order costs, not less than *five shillings*, to be paid to the person objected to.

Appeal against decision of revising barrister.

24. If any person feels aggrieved by a revising barrister neglecting or refusing to state any case, he may apply to the High Court of Justice, upon affidavit of the facts, for a rule calling on the revising barrister, and also on the person, if any, in whose favour the decision from which the applicant desires to appeal was given, to show cause why a rule should not be made directing the appeal to be entertained and the case to be stated, and thereupon the High Court, or any judge thereof in chambers, may, if it seems just, make such rule, and make the same absolute or discharge it with or without payment of costs, as seems just, and the revising barrister on being served with any such rule absolute shall state the case accordingly, and the case shall be stated, and the appeal entertained and heard, notwithstanding any limitations of time or place contained in the Parliamentary Electors Registration Act, 1843.

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Power to make rules for proceedings at revision courts.

25. One of Her Majesty's Principal Secretaries of State may from time to time make, and when made revoke and alter, rules for regulating the practice and course of procedure in the courts of revising barristers for the purposes of the Parliamentary Electors Registration Acts and of this Act.

All rules made under this section shall be laid before each House of Parliament within forty days next after the same are made, if Parliament is then sitting, and if not, within forty days after the beginning of the then next sitting of Parliament, and if an address is presented to Her Majesty by either of the said Houses within the next subsequent forty days, praying that any such rule be annulled, Her Majesty may by order in council annul the same, and any rule so annulled shall thenceforth be of no effect, but without prejudice to the validity of any proceedings in the meantime taken thereunder.

All such rules shall, while in force, have effect as if enacted in this Act.

Supplemental.

Explanation of 32 & 33 Vict. c. 41. s. 19. as to entering occupier's name on rate book.

26. Whereas by section nineteen of the Poor Rate Assessment and Collection Act, 1869, the overseers, in making out the poor rate, are required in every case, whether the rate is collected from the owner or occupier, or the owner is liable to the payment of the rate instead of the occupier, to enter in the occupier's column of the rate book the name of the occupier of every rateable hereditament, and it is thereby declared that every such occupier shall be deemed to be duly rated for any qualification or franchise as therein-mentioned; and whereas doubts have been entertained as to the application of this enactment, and it is expedient to remove them: Be it therefore enacted, that the recited enactment shall not be deemed to apply exclusively to cases where an agreement has been made under section three of the same Act, or where an order has been made under section four of the same Act, but shall be of general application.

Alteration of dates.

27. The following alterations of dates shall be made:

'43. s. 10.

(1.) The precept sent to overseers under the Parliamentary Electors Registration Acts, including this Act, and the forms and table sent therewith, shall be so sent on or before the *tenth day of May* instead of on or before the tenth day of June:

'43. s. 11. '67. s. 23.

(2.) The notices for payment of rates and taxes required by those Acts to be published and given by overseers, shall be published and given on or before the *twentieth day of May*

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instead of on or before the twentieth day of June, and section twenty-eight of the Representation of the People Act, 1867 (which relates to such notices) shall have effect as if "*the first day of May*" were inserted therein instead of "the first day of June": A.D. 1878.

(3.) The payment of such rates and taxes shall be made on or before the *twentieth day of June* instead of on or before the twentieth day of July: '43. s. 11.

(4.) The power given by those Acts to overseers of inspecting tax assessments and duplicates, and of making extracts therefrom, may be exercised during the month of *June* instead of during the month of July: '43. s. 12.

(5.) The lists of persons who have not paid such rates and taxes shall be made out on or before the *twenty-second day of June*, and kept for perusal during fourteen days after the *twenty-second day of June*, instead of on or before or after the twenty-second day of July. '43. s. 12.

Arrangement of lists and registers.

28. The lists of parliamentary voters and registers of parliamentary electors in parliamentary boroughs, and the burgess lists and burgess rolls in municipal boroughs, shall, so far as they relate to persons qualified in respect of the ownership or occupation of property (including persons qualified in respect of lodgings), be arranged in the same order in which the qualifying premises appear in the rate book for the parish in which those premises are situate, or as nearly thereto as will cause those lists, registers, and rolls to record the qualifying premises in successive order in the street or other place in which they are situate.

Publication of overseers lists.

29. Any list which is by the Parliamentary Electors Registration Acts or this Act directed to be published by overseers, shall be published by them, not only in the manner directed by those Acts, but also by being affixed and kept in some public and conspicuous position in or near every post office and telegraph office occupied by or on behalf of Her Majesty's Postmaster General, and in or near every public municipal or parochial office within the parish to which the list relates.

All the provisions of those Acts with respect to the publication of lists shall apply to the publication to be made under this section.

Registrars to furnish notices of deaths to overseers.

30. Every registrar of births and deaths whose sub-district includes the whole or part of any parliamentary or municipal borough shall furnish from time to time to the overseers of every parish the whole or any part of which is included in the

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borough, and also in his sub-district, returns of the names and residences of all male persons of full age dying within that parish or part, and, on the application of those overseers, returns of the names and residences of all women of full age dying within that parish or part.

The returns shall state the names of all such persons in full (where the names are known), and the dates of their deaths, and the names and residences of the persons by whom information of the deaths was given to the registrar.

The returns shall be furnished within seven days after the last day of each of the months of *March*, *June*, *September*, and *December* in every year, and shall respectively include the deaths during the three months next preceding those respective days.

The overseers shall omit from any list made by them the name of any person who appears from such returns to be dead, and shall allow any person who is registered as a parliamentary elector or enrolled as a burgess of the borough to which the returns relate, to inspect any such returns in their custody at all reasonable times.

Payment shall be made by the overseers to the registrar for the returns to be made by him at the rate of *twopence* for each name.

List of persons disqualified by parochial relief.

31. The overseers of every parish shall ascertain from the relieving officer acting for that parish the names of all persons who are disqualified for being inserted in the lists of parliamentary voters or burgess lists for that parish by reason of having received parochial relief; and the relieving officer, upon application from the overseers, within twenty-one days before the last day for the publication by the overseers of the lists of parliamentary voters and burgess lists, shall produce to them at such place within the parish, and at such time as is required by them, the books in his possession containing the names of those persons.

Provision where register wanting or defective. See 7 Will. 4. & 1 Vict. c. 78. s. 5.

32. Every register of parliamentary electors shall, so far as it relates to any parish, continue to be in force with respect to that parish until another register of electors has come into force with respect to the same parish.

A register of parliamentary electors or burgess roll shall not be invalidated by any want of title in the barrister by whom the lists from which it was formed were revised.

Inaccuracies in register and burgess roll.

33. It shall be the duty of every town clerk or other officer having the custody of a register of parliamentary electors or burgess roll to call the attention of the overseers of every parish

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to which the register or roll relates to any mistake or omission therein. A.D. 1878.

34. The schedule to this Act and the notes thereto shall be construed and have effect as if enacted in the body of this Act. Forms in schedule, &c.

The forms in that schedule or forms to the like effect, varied as circumstances require, shall be used in substitution, and, for the purposes of the Parliamentary Electors RegistrationActs, be deemed to be substituted, for the corresponding forms in the schedules to those Acts.

All precepts, instructions, proceedings, and notices relating to the registration of parliamentary electors or enrolment of burgesses shall be expressed in such manner and form as may be necessary to carry the provisions of this Act into effect.

35. Nothing in this Act shall affect any register of electors or burgess roll in force at the commencement of this Act. Saving for existing registers and burgess rolls.

36. Section forty of the Parliamentary Electors Registration Act, 1843, is hereby repealed from the commencement of this Act so far as it relates to elections to which this Act applies. Repeal of 6 Vict. c. 18. s. 40. as to boroughs.

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SCHEDULE.

FORM A.

FORM of PRECEPT of the TOWN CLERK to the OVERSEERS of any PARISH wholly or partly situate in a PARLIAMENTARY Borough, or in a MUNICIPAL Borough wholly or partly coincident with a PARLIAMENTARY Borough.

Omit part between crosses if no part of parish is in a parliamentary borough.

Omit part between asterisks if no part of parish is in a municipal borough.

†Parliamentary borough of † / *Municipal borough of * to wit. — To the overseers of the poor of the parish of [*or* township of]

In pursuance of the provisions of the Parliamentary Electors Registration Act, 1843, and the Borough Voters Act, 1878, I require your attention to the following

Instructions.

Note.—Form B. in this schedule must be sent.

On or before the *twentieth day of May* you are to publish a notice [*or* notices], signed by you according to the form marked B. among the printed forms herewith sent.

The manner in which you are required to publish that notice is as follows; (that is to say,) you are to fix one of the printed copies (each copy being first signed by you), on or near the outside of the outer door or of the outer wall near the door of every church and public chapel in your parish [*or* township], including chapels which do not belong to the Established Church, and also in some public and conspicuous position on or near every post office or telegraph office occupied by or on behalf of Her Majesty's Postmaster General, and every public municipal or parochial office in your parish [*or* township], or if there is no such church, chapel, or office, then in some public situation in your parish [*or* township], and it must remain there during a period including two Sundays at the least.

Note.—Form C. in this schedule must be sent.

Omit part between crosses if no part of parish is in a parliamentary borough.

Omit part between asterisks if no part of parish is in a municipal borough.

Where any poor rate which it was your duty to collect was on the *first day of May* due from an occupier in respect of any premises capable of conferring the franchise for the said †parliamentary† or †municipal† borough, and remains unpaid on the *twentieth day of May*, you are to give to that occupier a notice in the form marked C. sent herewith, by delivering it to the occupier, or leaving it at his last or usual place of abode, or with some person on the premises in respect of which the rate is payable. You need not give this notice if the rate has been previously duly demanded by a demand note served in the like manner as the last-mentioned notice.

On or before the *twenty-second day of June* next you are to make out a list containing the name and place of abode of every person who has not paid on or before the *twentieth day* of the *same month* all poor rates which have become payable from him in respect of any premises within your parish [*or* township] before the *fifth day of January* last, and you are to keep that list to be perused by any person gratis at any time between 10 a.m. and 4 p.m. on any day, except Sunday, during the first *fourteen* days after the said *twenty-second day of June.*

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On or before the *last day of July* you are to make out a list of all persons who are †entitled under any right conferred by the Reform Act, 1832 (2 & 3 Will. 4. c. 45.), or section three of the Representation of the People Act, 1867, to vote at an election of a member [*or* members] to serve in Parliament for the parliamentary borough of in respect of the occupation of property situate wholly or partly within your parish [*or* township] *or† entitled to be burgesses for the municipal borough of , in respect of the occupation of property situate wholly or partly within your parish [*or* township].*

Omit part between crosses if no part of parish is in a parliamentary borough.

Omit part between asterisks if no part of parish is in a municipal borough.

* This list is to be made out in three divisions.

Division one is to comprise the names of the persons who are entitled to vote for a member [*or* members] to serve in Parliament, and also to vote as burgesses.

Division two is to comprise the names of the persons who are entitled to vote for a member [*or* members] to serve in Parliament, but not to vote as burgesses.

Division three is to comprise the names of the persons who are entitled to vote as burgesses, but not to vote for a member [*or* members] to serve in Parliament.*

Omit part between asterisks if no part of parish is in a municipal borough, or if no part of parish is in a parliamentary borough.

† On or before the *last day of July* you are also to make out a list of all persons who are entitled within your parish [*or* township] to vote at an election of a member [*or* members] to serve in Parliament for the said parliamentary borough in respect of any other right (except as freemen or as lodgers).

Omit part between crosses if no part of parish is in a parliamentary borough.

On or before the *last day of July* you are also to make out a list of all persons who being on the register of electors now in force for the said parliamentary borough in respect of residence in lodgings within your parish [*or* township] have duly claimed, on or before the *twentieth day of July*, to have their names inserted in the lists of voters for the said borough in respect of residence in the same lodgings.†

These lists are [*or* This list is] to be in the Form D. (*or, as the case may be,* E. *or* F.) sent herewith.

Note.—The appropriate form must be sent.

* On or before the *last day of July* you are also to make out a list (in the Form G. sent herewith) of all persons who are entitled, in respect of the occupation of property within your parish [*or* township], to be elected councillors or aldermen of the said municipal borough, but by reason of residence beyond seven miles of that borough are not entitled to be on the burgess roll thereof.*

Omit part between asterisks if no part of parish is in a municipal borough, but unless it is omitted, send Form G.

In making out each of these lists you will follow the directions of which a copy is enclosed.

Note.—A printed copy of the directions in the schedule must be enclosed.

The period of qualification for all voters ends on the *twenty-fourth day of June.*

On or before the *first day of August* you are to sign and publish written or printed copies of these lists, in the same manner as before mentioned with respect to the notice.

Omit part between crosses if no part of parish is in a parliamentary borough.

You are to keep a copy of these lists signed by you,† and also a copy of the list of defaulters in payment of assessed taxes sent to you by the collector of taxes,† to be open to public inspection at any time between the hours of ten o'clock in the forenoon and four o'clock in the afternoon of any day, except Sunday, during the first fourteen days after the publication of the said lists of

Note.—A printed copy of the Table No. 1 in Schedule D. to

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voters, and to deliver copies of any such list of voters to any person on payment of a price for each copy after the rate contained in the table marked Schedule D., No. 1, sent herewith.

6 Vict. c. 18. must be enclosed.

You are to make out lists according to the forms marked K. sent herewith, containing the names of every person who has given or caused to be given to you, or any one of you, on or before the *twenty-fifth day of August* his claim to have his name inserted in any list of voters, making separate lists of—

Note.—Forms marked K. and L. must be sent.

(1.) Persons claiming to be entered in the lists of parliamentary electors otherwise than as freemen or lodgers; and

(2.) Persons claiming to be entered in the lists of parliamentary electors as lodgers who are not comprised in the above-mentioned list of lodgers; *and

Omit part between asterisks if no part of parish is in a municipal borough.

(3.) Persons claiming to be entered in the burgess lists.*

You are also to make out lists according to the forms marked L., sent herewith containing the names of every person against whom a notice of objection has been given to you, or any of you, on or before the *twenty-fifth day of August* as not being entitled to have his name retained in any list for your parish [*or* township], giving in separate lists the objections made to—

(1.) Any person on the list of parliamentary electors:

(2.) Any person on the list of lodgers published on the last day of July:

Omit part between asterisks if no part of parish is in a municipal borough.

(3.) Any person on the burgess list.

On or before the *twenty-ninth day of August* you are to deliver to me copies of the lists of voters, claimants, and persons objected to.

On or before the *first day of September* you are to sign and publish each of the lists of claimants and persons objected to in the same manner as before mentioned with respect to the notice.

You are to keep a copy of each of the lists of claimants and persons objected to, signed by you, and these copies, and also the original notices of objection, are to be open to public inspection at any time between the hours of ten of the clock in the forenoon and four of the clock in the afternoon of any day, except Sunday, during the first *fourteen* days of *September*, and you are to deliver copies of each of these lists to any person on payment of a price for each copy after the rate contained in the table marked Schedule (D.), No. 1, sent herewith.

If you find any such notice, list, or other document published by you as aforesaid to be destroyed, mutilated, effaced, or removed, you are forthwith to place another in its room to the same effect.

You are to attend at the court to be holden for the revision of the lists of voters for this borough, of the time of holding which notice will be given; and at the opening of the court you are there to deliver to the barrister before whom the same is holden, the several lists made out and signed by you, and the original notices of claims and of objections given to you.

Herein if you fail you will be liable to the penalties in that case provided.

Dated the day of 18 .

(Signed) *A.B.*,
Town clerk.

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Form B.

Notice to be published by the Overseers in a Parliamentary Borough.

Parliamentary borough of ,
in the county of , } We hereby give notice that no person will be entitled to have his name inserted in any list of parliamentary electors for this borough now about to be made.
to wit.

(*a*) In respect of the occupation of any house, warehouse, counting-house, shop, or other building, or land occupied therewith, of whatever value, whether situate wholly or in part within this parish [*or* township], unless he pays on or before the *twentieth day of June* all the poor rates due from him in respect of those premises during the twelve calendar months next before the *fifth day of January* last past; or

(*b*) In respect of the occupation of any house, or, in the case of a joint occupation, house (joint), warehouse, counting-house, shop, or other building, or land occupied therewith, of the clear yearly value of not less than ten pounds, unless he pays on or before the *twentieth day of June* all assessed taxes due from him in respect of those premises before the *fifth day of January*;

and all persons who omit to make such payments will be incapable of being upon the next register of parliamentary electors for this borough in respect of those premises.

Dated the day of , 18 .

(Signed) *A.B.*, *C.D.*, } Overseers.

Notice to be published by the Overseers in a Municipal Borough.

Municipal borough of ,
in the county of , } We hereby give notice that no person will be entitled to have his name inserted in any list of burgesses of this borough now about to be made
to wit.

in respect of the occupation of any house, warehouse, counting-house, shop, or other building, whether situate wholly or in part within this parish [*or* township], unless he pays, on or before the *twentieth day of June* all poor rates, including borough rates (if any), due from him in respect of those premises, up to the preceding *fifth day of January*, and all persons who omit to make such payment will be incapable of being upon the next burgess roll for this borough in respect of those premises.

Note.—This form is to be used only where the municipal borough is wholly or partly coincident with the parliamentary borough.

Dated the day of , 18 .

(Signed) *A.B.*, *C.D.*, } Overseers.

Note.—Where a parish is situate within both a parliamentary borough and a municipal borough, both the above notices must be issued.

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Note.—This form is to be used in every parliamentary borough, but only in a municipal borough which is wholly or partly coincident with a parliamentary borough. If no part of the parish is in a parliamentary borough the parts between crosses are to be omitted. If no part of the parish is in a municipal borough the parts between asterisks are to be omitted.

FORM C.

To *A.B.*

† Parliamentary borough of. †

* Municipal borough of. *

Take notice that you will not be entitled to have your name inserted in the† list of parliamentary voters* or† burgess lists* for this [city *or*] borough now about to be made in respect of the premises in your occupation in [*street or place*], unless you pay on or before the *twentieth day of June* next all the poor rates* (including borough rates, if any)* due from you in respect of those premises up to the *fifth day of January* last, amounting to £ , and if you omit to make such payment you will be incapable of being on the next† register of parliamentary electors* or† burgess roll* for this [city *or*] borough.

Dated the day of *May* 18 .

(Signed) *C.D.*, *E.F.*, } Overseers.

or

G.H., Assistant Overseer.

or

I.K., Collector.

FORM D.

FORM of LISTS of VOTERS for a PARISH wholly or partly situate both in a PARLIAMENTARY BOROUGH and in a MUNICIPAL BOROUGH.

No. 1. LIST OF

† The persons entitled (otherwise than as lodgers), to vote in the election of a member [*or* members] to serve in Parliament for the parliamentary borough of , in respect of the occupation of property wholly or partly within this parish [*or* township], *

and† the persons entitled to be enrolled as burgesses of the municipal borough of , in respect of the occupation of property wholly or partly within this parish [*or* township].*

Division One. Parliamentary Electors and Burgesses.

Brick Street.

1. Names of Voters in full, Surname being first.	2. Place of Abode.	3. Nature of Qualification.	4. Name and Situation of Qualifying Property.
Masters, Abel -	1, Brick Street -	House - -	1, Brick Street.
Smith, William -	Wood Villa, Gainsborough.	Building - -	2, Brick Street.
Brown, Thomas -	4, Brick Street -	Shop - -	4, Brick Street.
Abrahams, Samuel -	4, Brick Street -	House (joint) -	4, Brick Street.

(Signed) *A.B.*, *C.D.*, } Overseers.

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Division Two. Parliamentary Electors only.

Brick Street.

Names of Voters in full, Surname being first.	Place of Abode.	Nature of Qualification.	Name and Situation of Qualifying Property.
Stubbs, Thomas -	10, High Street -	- - -	4, Brick Street.
Adams, John -	24, Duke Street -	- - -	7, Brick Street.

(Signed) *A.B.*, *C.D.*, } Overseers.

Division Three. Burgesses only.

Brick Street.

Names of Voters in full, Surname being first.	Place of Abode.	Nature of Qualification.	Name and Situation of Qualifying Property.
Thompson, Henry -	14, John Street -	Warehouse -	3, Brick Street.
Gardener, Mary -	10, Brick Street -	House - -	10, Brick Street.

(Signed) *A.B.*, *C.D.*, } Overseers.

No. 2. LIST OF

The persons entitled to vote at the election of a member [*or* members] to serve in Parliament for the parliamentary borough of in respect of any other right (except as freemen or as lodgers).

Brick Street.

Names of Voters in full, Surname being first.	Place of Abode.	Nature of Qualification.	Name and Situation of Qualifying Property (if any).
Smith, John -	15, Brick Street -	Inhabitant householder, paying scot and lot.	

(Signed) *A.B.*, *C.D.*, } Overseers.

No. 3. LIST OF

The persons who being on the register of electors now in force for the parliamentary borough of , in respect of residence in lodgings

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within the parish [*or* township] of claim, in respect of residence in the same lodgings, to have their names inserted in the list of persons entitled to vote in the election of a member [*or* members] to serve in Parliament for the said borough.

Brick Street.

Names of Claimants in full, Surname being first.	Description of Rooms occupied.	Street, Lane, or other Place, and Number, if any, of House in which Lodgings are situate.	Amount of Rent paid.	Name and Address of Landlord or other Person to whom Rent is paid.	Objections by Overseers.

(Signed) *A.B.*, *C.D.*, } Overseers.

FORM E.

FORM of LIST of Voters for a PARISH wholly or partly situate in a PARLIAMENTARY BOROUGH, but NOT in a MUNICIPAL BOROUGH.

This form is to be the same as Form D., omitting from list No. 1 the parts between asterisks, the words "*Division One. Parliamentary Electors and Burgesses*" in division one, and divisions two and three.

FORM F.

Note.—This form is to be used only where the municipal borough is wholly or partly coincident with a parliamentary borough.

FORM of LIST of Voters for a PARISH wholly or partly situate in a MUNICIPAL BOROUGH, but not in a PARLIAMENTARY BOROUGH.

This form is to be the same as Form D., No. 1, omitting the parts between crosses, the words "*Division One. Parliamentary Electors and Burgesses,*" and divisions two and three.

FORM G.

Note.—This form is to be used only where the municipal borough is wholly or partly coincident with a parliamentary borough.

FORM of LIST of Occupiers in any Parish entitled to be elected Councillors or Aldermen of a Municipal Borough, though not entitled to be on the Burgess Roll of that borough.

List of persons who are entitled to be elected councillors or aldermen of the borough of in respect of the occupation within the parish [*or* township] of of any property, but who, by reason of their residence beyond seven miles of the borough, are not entitled to be on the burgess roll of that borough.

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1. Names of Persons in full, Surname being first.	2. Place of Abode.	3. Nature of Qualification.	4. Name and Situation of Qualifying Property.

(Signed) *A.B.*, *C.D.*, } Overseers.

FORM H.

FORM OF NOTICE OF CLAIM.

No. 1.—PARLIAMENTARY (General).

To the overseers of the parish [*or* township] of .
I claim to have my name inserted in the list made by you of persons entitled to vote in the election of a member [*or* members] to serve in Parliament for the borough [*or* city] of , in respect of the qualification named below.

Dated the day of 18 .

Name of Claimant in full, Surname being first.	Place of Abode.	Nature of Qualification.	Name and Situation of Qualifying Property.

(Signed) *A.B.*

No. 2.—PARLIAMENTARY (Lodgers).

I claim to have my name inserted in the list of persons entitled to vote in the election of a member [*or* members] to serve in Parliament for the borough [*or* city] of , in respect of the qualification named below.

Name of Claimant in full, Surname being first.	Description of Rooms occupied, and whether furnished or not.	Street, Lane, or other Place, and Number (if any) of House in which Lodgings situate.	Amount of Rent paid.	Name and Address of Landlord or other Person to whom Rent is paid.
Stevens, John William.	Two rooms, first floor, furnished.	51, Brick Street	16*s.* a week -	William Johnson, High Street.

I hereby declare that I have during the twelve calendar months immediately preceding the *twenty-fourth day of June* in this year occupied as sole tenant

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[*or* as joint tenant with ,] and resided in the above-mentioned lodgings, and that those lodgings are of a clear yearly value, if let unfurnished, of ten [*or* twenty] pounds or upwards.

Dated the day of 18 .

(Signed) *A.B.*, (the Claimant.)

I, the undersigned, certify that I have witnessed the above signature of the above-named [*here state name of claimant*], at the date stated above, and that I believe the above claim to be correct.

(Signed) *C.D.*, of

[*State residence and calling of witness.*]

Note.—If the claim is in respect of different rooms successively occupied as lodgings in the same house, the notice of claim must specify each room, or set of rooms, so occupied. If the claimant is on the register in respect of the same lodgings, and desires to have his name inserted in the list of lodger voters published on the *first of August*, he must send in this claim on or before the *twentieth of July*. In any other case he must send it in after the *last day of July* and on or before the *twenty-fifth of August*. If there are two joint lodgers the yearly value of the lodgings must be twenty pounds, if three, thirty pounds, and so on.

No 3.—MUNICIPAL.

Note.—This form is to be used only where the municipal borough is wholly or partly coincident with a parliamentary borough.

To the overseers of the parish [*or* township] of .

I claim to have my name inserted in the list made by you of burgesses of the borough [*or* city] of , in respect of the qualification named below.

Dated the day of 18 .

Name of Claimant in full, Surname being first.	Place of Abode.	Nature of Qualification.	Name and situation of Qualifying Property.

(Signed) *A.B.*

FORM I.

FORM OF NOTICE OF OBJECTION.

No. 1 (PARLIAMENTARY).

NOTICE of OBJECTION to be given to OVERSEERS.

To the overseers of the parish [*or* township] of

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I hereby give you notice that I object to the name of being retained on the lists of persons entitled to vote in the election of a member [*or* members] to serve in Parliament for the city [*or* borough] of , on the following grounds, viz. :—

1. *e. g.*, that he has not occupied for twelve months to *June* 24.
2. That
3.

Dated the day of 18 .

(Signed) *A.B.*, of [*place of abode*] on the list of parliamentary voters for the parish of .

Note.—If there is more than one list of voters, the notice of objection should specify the list to which the objection refers; and if the list contains two or more persons of the same name, the notice should distinguish the person intended to be objected to.

No. 2 (PARLIAMENTARY).

NOTICE of OBJECTION to be given to PERSON OBJECTED TO.

To Mr.

I hereby give you notice that I object to your name being retained on the lists of voters entitled to vote in the election of members [*or* a member] to serve in Parliament for the city [*or* borough] of , on the following grounds viz. :—

1. *e. g.*, that you have not occupied for twelve months to *June* 24.
2. That
3.

Dated the day of 18 .

(Signed) *A.B.*, of [*place of abode*] on the list of parliamentary voters for the parish of .

No. 3 (MUNICIPAL).

NOTICE of OBJECTION to be given to OVERSEERS.

Note.—This form is to be used only where the municipal borough is wholly or partly coincident with a parliamentary borough.

To the overseers of the parish [*or* township] of .

I hereby give you notice that I object to the name of being retained on the lists of burgesses of the borough [*or* city] of , on the following grounds, viz. :—

1. *e. g.*, that he has not occupied for twelve months to *June* 24.
2. That
3.

Dated the day of 18 .

(Signed) *A.B.*, of [*place of abode*] on the list of burgesses for the parish of .

Note.—If the list contains two or more persons of the same name, the notice should distinguish the person intended to be objected to.

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No. 4 (MUNICIPAL).

Note.—This form is to be used only where the municipal borough is wholly or partly coincident with a parliamentary borough.

NOTICE of OBJECTION to be given to PERSON OBJECTED TO.

To Mr. .

I hereby give you notice that I object to your name being retained on the lists of burgesses of the borough [*or* city] of , on the following grounds, viz.:—

1. *e. g.*, that you have not occupied for twelve months to *June* 24.
2. That
3.

Dated the day of 18 .

(Signed) *A.B.* of [*place of abode*] on the list of burgesses for the parish of .

FORM K.

FORM of LIST of CLAIMANTS to be PUBLISHED by the OVERSEERS.

No. 1.—GENERAL LIST OF CLAIMANTS (PARLIAMENTARY).

The following persons claim otherwise than as lodgers, to have their names inserted in the lists of persons entitled to vote in the election of a member [*or* members] to serve in Parliament for the borough [*or* city] of .

Name of Claimant in full, Surname being first.	Place of Abode.	Nature of Qualification.	Name and Situation of Qualifying Property.

(Signed) *A.B.*, *C.D.*, } Overseers.

No. 2.—LIST OF LODGER CLAIMANTS (PARLIAMENTARY).

The following persons claim as lodgers to have their names inserted in the lists of persons entitled to vote in the election of a member [*or* members] to serve in Parliament for the borough [*or* city] of .

Name of Claimant in full, Surname being first.	Description of Rooms occupied.	Street, Lane, or other Place, and Number (if any) of House in which Lodgings are situate.	Amount of rent paid.	Name and Address of Landlord or other Person to whom Rent is paid.

(Signed) *A.B.*, *C.D.*, } Overseers.

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A.D. 1878.

No. 3.—LIST OF CLAIMANTS (MUNICIPAL).

Note.—This form is to be used only where the municipal borough is wholly or partly coincident with a parliamentary borough.

The following persons claim to have their names inserted in the burgess roll for the borough [*or* city] of .

Name of Claimant in full, Surname being first.	Place of Abode.	Nature of Qualification.	Name and Situation of Qualifying Property.

(Signed) *A.B.*, *C.D.*, } Overseers.

FORM L.

FORM of LIST of PERSONS OBJECTED to to be PUBLISHED by the OVERSEERS.

No. 1.—LIST OF PERSONS OBJECTED TO (PARLIAMENTARY).

The following persons have been objected to as not being entitled to have their names retained on the lists of persons entitled to vote in the election of a member [*or* members] to serve in Parliament for the borough [*or* city] of .

Name of Person objected to in full, Surname being first.	Place of Abode.	Nature of the supposed Qualification.	Nature and Situation of Qualifying Property.

(Signed) *A.B.*, *C.D.*, } Overseers.

No. 2.—LIST OF LODGERS OBJECTED TO (PARLIAMENTARY).

The following persons have been objected to as not being entitled to have their names retained in the list of persons entitled to vote in respect of residence in lodgings in the election of a member [*or* members] to serve in Parliament for the borough [*or* city] of .

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Name of Person objected to in full, Surname being first.	Description of Rooms occupied.	Street, Lane, or other Place, and Number (if any) of House in which Lodgings are situate.	Amount of Rent paid.	Name and Address of Landlord or other Person to whom Rent is paid.

(Signed) *A.B.*, *C.D.*, } Overseers.

Note.—This form applies only to the list of lodger claimants who claimed on or before the *twentieth day of July*, and were then on the register in respect of the same lodgings. The list of those lodgers who are objected to must be a separate list from that of other persons objected to.

No. 3.—LIST OF PERSONS OBJECTED TO (MUNICIPAL).

Note.—This form is to be used only where the municipal borough is wholly or partly coincident with a parliamentary borough.

The following persons have been objected to as not being entitled to have their names entered on the burgess list for the borough [*or* city] of .

Name of Person objected to in full, Surname being first.	Place of Abode.	Nature of the supposed Qualification.	Name and Situation of Qualifying Property.

(Signed) *A.B.*, *C.D.*, } Overseers.

NOTE.

DIRECTIONS FOR THE GUIDANCE OF OVERSEERS in making out the lists.

(1.) The surname and other names of each person are to be written at full length, the surname being placed first.

(2.) Each of the lists should, so far as it relates to persons qualified in respect of property (including lodgings), be arranged in the same order in which the qualifying premises appear in the rate book for your parish [*or* township], or as nearly thereto as will enable the lists to record the qualifying premises in successive order in the street or other place in which they are situate.

(3.) The place of abode should be entered in such a manner as will afford a sufficient address for a person entered if a letter is addressed to him by post.

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(4.) The qualification should be entered as nearly as possible in the words of the statute conferring the franchise, for instance:—

(*a*) The qualification of a person under the Representation of the People Act, 1867, should be stated thus, "house:"

(*b*) The qualification of a person under the Act 2 & 3 Will. 4. c. 45. (1832), should be stated thus: house, or in the case of a joint occupation, house (joint), warehouse, counting-house, shop, or building, as the case may be.

(5.) The above directions apply to the lists of claimants and persons objected to.

(6.) In making out the list of lodgers which you are to publish on the *first of August*, if you have reason to believe that any person whose name is entered on that list is dead, or is not entitled to vote, you must make a note to that effect in the last column of the list.

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Borough Voters.

A

B I L L

To amend the Law with respect to the Qualification and Registration of Borough Voters in England and Wales.

(*Prepared and brought in by Sir Charles Dilke, Mr. Hibbert, Mr. Rathbone, and Mr. Boord.*)

Ordered, by The House of Commons, *to be Printed,* 18 *January* 1878

[Bill 68.]

Under 4 *oz.*

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A

B I L L

TO

Abolish the Action of Breach of Promise of Marriage. A.D. 1878.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Abolition of action of breach of promise.

1. *From and after the passing of this Act* no person shall be entitled to maintain an action in respect of the breach of a promise to marry; provided always, that this shall not apply to any action commenced before the passing of this Act.

[Bill 80.]

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Breach of Promise of Marriage.

A

B I L L

To abolish the Action of Breach of Promise of Marriage.

(*Prepared and brought in by Mr. Herschell, Mr. Rodwell, and Mr. Ryder.*)

Ordered, by The House of Commons, *to be Printed*, 21 *January* 1878.

[Bill 80.]

Under 1 *oz.*

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A

B I L L

TO

Enable the Trustees of the British Museum to remove portions of their Collections. A.D. 1878.

WHEREAS the British Museum was established and the management thereof vested in a corporate body of Trustees by virtue of an Act passed in the twenty-sixth year of the reign of King George the Second, chapter twenty-two, and intituled "An Act "for the purchase of the Museum or Collection of Sir Hans Sloane "and of the Harleian Collection of Manuscripts, and for providing "one general repository for the better reception and more con- "venient use of the said collections, and of the Cottonian Library, "and of the additions thereto," wherein it was provided that a general repository should be erected within the cities of London or Westminster, or the suburbs thereof, in such convenient place as the Trustees should direct, for the reception of the several collections in the title of the said Act mentioned, and of such other collections and libraries as, with the approbation of the Trustees, should be admitted into the said general repository, which several collections, additions, and libraries so received into the said general repository should remain and be preserved therein for public use to all posterity: And whereas the British Museum has since its foundation become so greatly extended in various departments of literature, science, and art as to render necessary for the reception of the additions which are from time to time made to it a much larger space than can be conveniently obtained in the neighbourhood of the present Museum: And whereas, in addition to collections of books, manuscripts, antiquities, objects of natural history, and other miscellaneous objects, the Trustees of the British Museum are possessed of a number of pictures: And whereas it is expedient that power should be given to the said Trustees to provide room for the additions to the Museum by disposing in manner herein-after mentioned of the collections referred to in the schedule annexed hereto, and of the said pictures: 26 G. 2. c. 22.

[Bill 236.]

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A.D. 1878.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Power to remove certain collections to South Kensington.

1. The Trustees of the British Museum may, with the consent of the Commissioners of Her Majesty's Treasury, remove the collections specified in the said schedule hereto, or any of them, or any part thereof, to the Natural History Museum now in course of erection at South Kensington, there to remain and be preserved for public use to all posterity.

Power of Trustees over pictures.

2. The Trustees of the British Museum may, if they think fit, and with such consent as aforesaid, assign and deliver to the Trustees and Director of the National Gallery, or to any department of Her Majesty's Government, or partly to the one body and partly to the other, all or any pictures belonging to them; and all pictures assigned and delivered in pursuance of this Act shall be held by the assignees on trust to preserve the same for public use to all posterity; but upon their being so assigned and delivered the Trustees of the British Museum shall be deprived of all right to and be released from all responsibility in respect of such pictures.

Questions as to classification of objects.

3. If any question arises as to the particular collection to which any object in the British Museum belongs, such question shall for the purposes of this Act be finally determined by the Trustees of the Museum.

Saving clause.

4. Except in so far as is herein-before expressed, nothing herein contained shall affect the rights, powers, duties, or obligations of the Trustees of the British Museum.

Short title of Act.

5. This Act may be cited for all purposes as the British Museum Act, 1878.

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SCHEDULE.

Collections at the British Museum belonging to the following departments:

Zoology.
Geology and Palæontology.
Mineralogy.
Botany.

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British Museum
(Transfer of Collection).

A

B I L L

To enable the Trustees of the British Museum to remove portions of their Collections.

(*Prepared and brought in by Mr. Walpole, Mr. Lowe, and Sir John Lubbock.*)

Ordered, by The House of Commons, *to be Printed,* 2 *July* 1878.

[Bill 236.]

Under 1 *oz.*

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[To be substituted for Bill previously delivered.]

Burial Law Amendment Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title.
2. Extent of Act.
3. Commencement of Act.
4. Definitions.
5. Declaration of right of burial.
6. Burial without the service of the Church of England.
7. Delivery and form of notice.
8. Time of burial.
9. Place of burial.
10. Determination of mode of burial.
11. Penalty for misconduct.
12. Immunity of ministers from censure or penalty.
13. Burials to be registered.
14. Payment of fees.
15. Prohibition of use of church.
16. Alternative form of burial service for use in certain cases.

SCHEDULES.

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A

B I L L

TO

Amend and declare the Law of Burial. A.D. 1878.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title. **1.** This Act may be cited as the Burials Act, 1878.

Extent of Act. **2.** This Act shall not apply to Scotland or Ireland.

Commencement of Act. **3.** This Act shall commence on the *first day of January one thousand eight hundred and seventy-nine.*

Definitions. **4.** In this Act, if not inconsistent with the context,—

"Churchyard" means any consecrated burial ground in which burials may lawfully take place at the commencement of this Act:

"Parish" includes any parish, new parish, ecclesiastical district, chapelry, or place within the limits of which any clerk in holy orders has the exclusive cure of souls.

Declaration of right of burial. **5.** Every person shall be entitled to burial in the churchyard of the parish in which he shall die, or of which at the time of his death he shall be a parishioner; but nothing in this section shall affect the operation of any statute regulating the burial of persons dying by sentence of law or by their own hands.

Burial without the service of the Church of England. **6.** Where the person charged with or taking upon himself the responsibility of providing for the burial of a deceased person shall, by notice in writing to the incumbent or minister for the time being in charge of the parish in the churchyard of which the deceased person is by this Act or otherwise by law entitled to burial, signify his desire that the burial may be allowed to take place in the churchyard, either—

1. Without the performance therein of any religious service or ceremony; or
2. Without the performance therein of the burial service of the Church of England, but with such religious service or cere-

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A.D. 1878.

mony as is agreeable with the usages of the religious society (other than the Church of England) of which the deceased person at the time of his death was a member,

the burial, herein-after called a burial under this Act, shall, subject to the restrictions and provisions in this Act contained, be allowed to take place in the churchyard in the manner desired by the notice.

Delivery and form of notice.

7. The notice, which shall be delivered not less than twenty-four hours before the time proposed for the burial to take place, shall be in the form provided in the First Schedule to this Act.

Time of burial.

8. A burial under this Act shall not take place—

1. Upon a Sunday, or upon Christmas Day, Good Friday, or Ascension Day; or

2*a*. Before nine o'clock in the forenoon or after six o'clock in the afternoon between the thirty-first day of March and the first day of October; or

b. Before nine o'clock in the forenoon or after three o'clock in the afternoon between the thirtieth day of September and the first day of April; or

3. During or within half an hour before or after any service in the church attached to the churchyard, or any burial appointed previously to the delivery of the notice to take place in the churchyard.

For the purposes of this section "burial" includes any part of the burial rite and of any service or ceremony performed thereat.

Place of burial.

9. All regulations as to the position and making of the grave which would apply in the case of a person buried with the service of the Church of England shall apply in the case of a burial under this Act.

Determination of mode of burial.

10. A burial under this Act shall be conducted in a decent and orderly manner, and no service or ceremony shall be performed thereat, except such as is authorised by this Act, and is of a solemn and Christian character; nor shall any such service or ceremony be performed at a burial under this Act; where either—

1. The churchyard or the part of the churchyard in which the burial is appointed to take place has been acquired by gift or by means of voluntary contributions within the period of fifty years before the commencement of this Act, or, if the acquisition be of earlier date, is by the express terms of the instrument of conveyance provided exclusively for burials to take place therein with the burial service of the Church of England; or

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A.D. 1878.

2. There exists, or after the commencement of this Act shall be provided within the parish in which the churchyard is situated, or within three miles of such churchyard, a cemetery or other unconsecrated graveyard available for the burial of the deceased person:

Provided, in the case of a churchyard or part of a churchyard acquired by gift, that it shall be lawful for the donor, or if the donor be deceased for the legal representative of the donor, to signify in writing his desire that the exceptions contained in the paragraphs of this section numbered one and two respectively, or either of them, shall not apply, and thereafter the same shall not apply accordingly.

Penalty for misconduct.

11. Every person acting in contravention of the preceding section, and every person guilty of disorderly, indecent, or offensive conduct at or of wilfully obstructing a burial under this Act, or any service or ceremony authorised by this Act, shall be guilty of a misdemeanor, and shall be liable on conviction thereof to a penalty not exceeding *fifty* pounds, or to imprisonment for a period not exceeding *six* months, with or without hard labour, as the court before which the case is tried may think fit.

Immunity of ministers from censure or penalty.

12. The incumbent or minister for the time being in charge of the parish in the churchyard of which a deceased person shall have been buried under this Act shall not be liable to proceedings in any court, or to any censure or penalty, ecclesiastical or civil, by reason only of his allowing the burial to take place, or of his not attending the burial or not performing thereat the burial service of the Church of England.

Burials to be registered.

13. Within twenty-four hours after a burial under this Act the person charged with or taking upon himself the responsibility of providing for the same shall deliver to such incumbent or minister as aforesaid a certificate of the burial in the form provided in the Second Schedule to this Act.

The incumbent or minister shall forthwith make an entry of the burial in the parish register of burials, and such entry shall form part thereof.

Any person who shall wilfully make any false statement in such certificate, and any incumbent or minister who shall wilfully make any false statement in such entry of burial, shall be guilty of a misdemeanor, and shall be liable on conviction to a penalty not exceeding *twenty* pounds, or to imprisonment for a period not exceeding *two* months.

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A.D. 1878.

Payment of fees.

14. Where a burial under this Act shall have taken place, any person who, if the burial had taken place with the burial service of the Church of England, would have been entitled to receive any fee from any person in respect thereof shall be entitled to receive the like fee and from the like person.

Prohibition of use of church.

15. Nothing in this Act shall authorise any use of a church, or the performance therein of any service or ceremony not at the commencement of this Act authorised by law.

Alternative form of burial service for use in certain cases.

16. It shall be lawful for the bishop of any diocese, subject to the approval of his metropolitan, to sanction from time to time a form of burial service agreeable with the doctrines and professions of the Church of England for use within the limits of his diocese at the burial of any person at whose burial the burial service of the Church of England may not lawfully be performed, and such alternative form of burial service may accordingly, unless objection thereto be made by the person charged with or taking upon himself the responsibility of providing for such burial as aforesaid, be used thereat by the incumbent or minister for the time being in charge of the parish in which the burial shall take place.

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A.D. 1878.

SCHEDULE I.

* I, *A.B.* of *C.* being charged with [*or* having taken upon myself] the responsibility of providing for the burial of *D.E.* do hereby signify my desire that the burial may be allowed to take place in the churchyard of the parish of without the performance therein of any religious service or ceremony [*or* without the performance therein of the burial service of the Church of England, but with such religious service or ceremony as is agreeable with the usages of the under-mentioned religious society, viz., of which society the said *D.E.* at the time of his (*or* her) death was a member] on the of in the year of our Lord at o'clock in the forenoon [*or* afternoon].

Signed

To the Rev. *F.G.*

SCHEDULE II.

* I, *A.B.* of *C.* do hereby certify that on the day of in the year of our Lord *D.E.* of aged was buried in the churchyard of the parish of

Signed

To the Rev. *F.G.*

* Here insert name in full, address, and description.

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previously delivered.]

Burial Law Amendment.

A

B I L L

To amend and declare the Law of Burial.

(*Prepared and brought in by Mr. Balfour, Lord Francis Harvey, Mr. Cowper-Temple, and Mr. Wait.*)

Ordered, by The House of Commons, *to be Printed,* 15 *April* 1878.

[Bill 154.] ←

Under 1 *oz.*

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A

B I L L

TO

Abolish Punishment by Death.

A.D. 1878.

WHEREAS it is expedient to abolish the penalty of death:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. The first, second, and third sections of chapter one hundred of the Statutes passed in the twenty-fourth and twenty-fifth years of Her present Majesty, and so much of the same or any other Act or law as imposes or relates to the punishment of death for murder or for any other crime, are hereby repealed and annulled. Sects. 1, 2, and 3 of 24 & 25 Vict. c. 100. repealed.

2. Whosoever *after the passing of this Act* is convicted of murder shall be kept in penal servitude *for life*. Punishment for murder.

3. Whosoever is convicted of high treason shall be liable, at the discretion of the Court, to be kept in penal servitude *for life*, or for any term not less than *seven years*. Punishment for high treason.

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Capital Punishment Abolition.

A

B I L L

To abolish Punishment by Death.

(*Prepared and brought in by Mr. Pease, Mr. Leeman, and Mr. M'Laren.*)

Ordered, by The House of Commons, *to be Printed,* 18 *January* 1878.

[Bill 19.]

Under 1 *oz.*

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Church Rates (Scotland) Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Definition of terms.
2. Compulsory payment abolished.
3. Special rates not to be affected. Special rates how to be applied.
4. Rate to be continued for paying money borrowed or due.
5. Rates made before passing of this Act.
6. Not to affect the powers of heritors or presbyteries.
7. Rates may be paid voluntarily.
8. Persons in default not to vote.
9. Trustees may be appointed. Election of trustees. Constitution of trust. Trustees may pay over funds to public bodies. Trust funds may be invested. Trustees to produce accounts.
10. Short title.

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A

B I L L

TO

Abolish Church Rates in Scotland. A.D. 1878.

WHEREAS it is desirable to assimilate the law respecting the compulsory levying of Church Rates within the different parts of the United Kingdom:

And whereas the levying of Church Rates in Ireland was abolished by an Act passed in the third and fourth year of His Majesty King William the Fourth, chapter thirty-seven:

And whereas the compulsory levying of Church Rates in England was abolished by an Act passed in the thirty-first and thirty-second year of Her Majesty, chapter one hundred and nine:

And whereas it is expedient that the compulsory payment of Church Rates in Scotland should likewise be abolished:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Definition of terms.

1. In this Act "Church Rate" shall mean any rate or assessment imposed or laid on for the building, rebuilding, enlargement, or repair of any parish church, or assistant church, or manse, or for providing or enlarging any glebe:

The expression "church" shall include all fencing of the site whereon the church is built:

The expression "manse" shall include offices, garden, and garden walls:

The expression "parish" shall include united parishes:

The expression "glebe" shall include grass glebe, or minister's grass:

"Ecclesiastical purposes" shall mean any of the purposes hereinbefore defined.

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A.D. 1878.

Compulsory payment abolished.

2. *From and after the passing of this Act* no action shall be raised, or diligence used, to enforce or compel payment of any Church Rate or assessment made in any parish or place in Scotland.

Special rates not to be affected.

3. Where, in pursuance of any General or Local Act, any rate or assessment may be made and levied which is applicable partly to Church Rate purposes and partly to other purposes, such rate shall be made, levied, and applied for such last-mentioned purposes only, and, so far as it is applicable to such purposes, shall be deemed to be a separate rate, and not a Church Rate, and shall not be affected by this Act.

Special rates how to be applied.

Where, in pursuance of any Act of Parliament, a mixed fund, arising partly from rates affected by this Act, and partly from other sources, is directed to be applied to purposes some of which are Church Rate purposes, the portion of such fund which is derived from such other sources shall be henceforth primarily applicable to Church Rate purposes.

Rate to be continued for paying money borrowed or due.

4. In any parish where a sum of money is, at the time of the passing of this Act, due on the security of any Church Rate or assessment to be made or levied in such parish under the provisions of any Act of Parliament, such rate or assessment may still be made and levied, and the payment thereof enforced by action or diligence, as accords of law, pursuant to such provisions, for the purpose of paying off the money so due, or paying the money so ordered to be raised, and the costs incidental thereto, but not otherwise, until the same shall have been liquidated; and it shall be lawful for the sheriff, upon application by summary petition to that effect, to remit to any competent person to audit the accounts of the person or persons or bodies corporate having authority to make or levy such rate, in reference to the receipt and expenditure of the moneys levied under such Acts of Parliament.

Rates made before passing of this Act.

5. Any Church Rate, or any assessment in the nature of a Church Rate, made or becoming due and payable at any time before the passing of this Act, may be collected and recovered in the same way as if this Act had not been passed.

Not to affect the powers of heritors or presbyteries.

6. This Act shall not affect the powers of heritors or presbyteries, or the making, assessing, receiving, or otherwise dealing with any Church Rate or assessment, save in so far as relates to the recovery thereof.

Rates may be paid voluntarily.

7. It shall be lawful for all bodies corporate, trustees, tutors, curators, judicial factors, and other judicial officers, whether they

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shall be in the occupation of any lands, houses, or tenements, or whether the same are in the occupation of the beneficiary, to pay, if they think fit, any Church Rate or assessment made in respect of such property, which, if this Act had not been passed, they would have been liable to pay, although the payment of the same may not be enforceable after the passing of this Act; and the same shall be allowed to them in any account to be rendered by them respectively.

Persons in default not to vote.

8. No person who makes default in paying the amount of any Church Rate or assessment for which he is assessed shall be entitled to inquire into or object to or vote in respect of the expenditure of the moneys arising from such Church Rate.

Trustees may be appointed.

9. A body of trustees may be appointed in any parish for the purpose of accepting by bequest, donation, contract, or otherwise, and of holding, any contributions which may be given to them for Church Rate purposes in the parish.

Election of trustees.

The trustees shall consist of the minister and of two heritors in the parish, to be chosen in the first instance, and also from time to time on any vacancy in the office occurring by death, incapacity, or resignation, the one by the kirk session, and the other by the presbytery of the bounds in which the parish is situated.

Constitution of trust.

The trustees shall be a body corporate, by the name of the church trustees of the parish to which they belong, having a perpetual succession and a common seal, with power to sue and be sued, and to hold and transfer property in their corporate name.

Trustees may pay over funds to public bodies.

The trustees may, from time to time, as circumstances may require, pay over to the heritors and kirk session of any parish, or in the case of any burgh to the town council or any other public body, any funds in their hands, to be applied by them either to the general Church Rate purposes of the parish or burgh, or to any other specific ecclesiastical purpose; and the funds so paid over may be applied to such purpose and to no other: Provided always, that no power shall be conferred on such heritors and kirk session, or town council or other public body, to take order with regard to the ecclesiastical purposes of the parish or burgh, further or otherwise than they are now by law entitled to do: Provided also, that due regard shall be had to the directions of the donors of funds contributed for any special Church Rate or other ecclesiastical purpose, and subject to the foresaid conditions.

Trust funds may be invested.

The trustees may invest in such securities as trustees may lawfully hold any funds in their hands, and accumulate the income thereof, or otherwise deal with such funds as they think expedient, subject to the provisions of this Act.

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A.D. 1878.

Trustees to produce accounts.

The minister shall be the chairman of the trustees.

The trustees shall once at the least in every year lay before the heritors and kirk session an account of their receipts and expenditure during the preceding year, and of the mode in which such receipts have been derived, and expenditure incurred, together with a statement of the amount, if any, of funds remaining in their hands at the date of such account.

Short title.

10. This Act may be cited as the "Compulsory Church Rates Abolition (Scotland) Act, 1878."

Church Rates (Scotland).

A

B I L L

To abolish Church Rates in Scotland.

(Prepared and brought in by Mr. M'Laren, Dr. Cameron, Mr. Baxter, Mr. Trevelyan, Mr. Laing, and Sir George Balfour.)

Ordered, by The House of Commons, *to be Printed,* 18 *January* 1878.

[Bill 75.]

Under 1 *oz.*

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A

B I L L

TO

Extend the provisions of The Clerical Disabilities Removal Act, 1870. A.D. 1878.

WHEREAS it is expedient that further relief be given in respect of civil disabilities to persons who have been admitted to the office of priest or of deacon in the Church of England:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as The Clerical Disabilities Act (1870) Extension Act, 1878. Short Title.

2. This Act shall commence and have effect from and immediately after the *thirty-first day of October one thousand eight hundred and seventy-eight.* Commencement of Act.

3. In this Act— Interpretation.

"The Church of England" means the Church of England as by law established:

"Minister" means a priest or a deacon:

"Preferment" has the same meaning as in the Act first mentioned in the First Schedule to this Act.

4. Any person admitted before or after the commencement of this Act to the office of minister in the Church of England may, after having resigned any and every preferment held by him, execute a deed of relinquishment in the form given in the Second Schedule to this Act, and cause the same to be inrolled in the Chancery Division of the High Court of Justice, and deliver an office copy of the inrolment to the Ecclesiastical Commissioners for England. Relinquishment of right to preferment and consequences thereof.

Thereupon and thenceforth the following consequences shall ensue with respect to the person executing the deed:

(1.) He shall be incapable of taking or holding any preferment in the Church of England:

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A.D. 1878.

(2.) He shall be, by virtue of this Act, discharged and free from all disabilities, disqualifications, restraints, and prohibitions, to which, if this Act had not been passed, he would, by force of the enactment secondly mentioned in the First Schedule to this Act, have been subject, as a person who had been admitted to the office of minister in the Church of England, and from all prosecutions, forfeitures, and penalties, to which, if this Act had not been passed, he would or might, under the same enactment, have been liable in consequence of his having been so admitted, and of any act or thing done by him after such admission.

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SCHEDULES.

THE FIRST SCHEDULE.

Enactments referred to.

(1.) The Act of the session of the third and fourth years of Her Majesty's reign, chapter eighty-six, "for better enforcing church discipline." 3 & 4 Vict. c. 86.

(2.) The Act of the session of the forty-first year of the reign of King George the Third, chapter sixty-three, "to remove doubts "respecting the eligibility of persons in Holy Orders to sit in the "House of Commons," as far as it relates to persons ordained to the office of priest or of deacon before their election to serve in Parliament. 41 G. 3. c. 63.

THE SECOND SCHEDULE.

Form of Deed of Relinquishment.

Know all men by these presents, that I *A.B.*, of , having been admitted to the office of priest [*or* deacon, *as the case may be*] in the Church of England, and having resigned [*here to be inserted description of late preferment, if any*], do hereby, in pursuance of The Clerical Disabilities Act (1870) Extension Act, 1878, declare that I relinquish all right arising from the said office to take or hold any preferment in the Church of England.

In witness whereof I have hereunto set my hand and seal this day 18 .

(Signed) *A.B.*, (L.S.)

Executed by *A.B.*, in presence of *C.D.*, of .

[*Address and description of witness.*]

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Clerical Disabilities.

A

BILL

To extend the provisions of The Clerical Disabilities Removal Act, 1870.

(Prepared and brought in by Mr. Goldney, Mr. Hibbert, and Mr. Walter Powell.)

Ordered, by The House of Commons, *to be Printed,*
18 *January* 1878.

[Bill 57.]

Under 1 *oz.*

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A

B I L L

TO

Amend the law relating to the Collection of Rates in the city of Dublin, and to the Office of the Collector General of Rates; and for other purposes. A.D. 1878.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title. **1.** This Act may be cited as "The Collection of Rates (Dublin) Act, 1878."

Interpretation. **2.** In this Act the term "Lord Lieutenant" means the Lord Lieutenant or other Chief Governor or Governors of Ireland for the time being.

The term "the principal Act" means the Act of the session of Parliament held in the twelfth and thirteenth years of the reign of Her present Majesty, chapter ninety-one.

Limits of Act. **3.** The limits of this Act for the collection of the several rates affected by it shall be the same as the limits of the principal Act for the collection of the same rates respectively.

Collector general constituted a corporation sole. **4.** The person for the time being holding the office of collector general of rates (in this Act referred to as the collector general) shall be a corporation sole by the name of the collector general of rates, using an official seal, and by that name shall have perpetual succession, with a capacity to acquire and hold in that name lands, Government securities, and real and personal property of every description, to sue and be sued, to enter into engagements binding on himself and his successors in office, and to do all other acts necessary or expedient to be done in the execution of the duties of his office.

Recovery of rates by distress. **5.** In case any rate leviable by the collector general in respect of any rateable property is not fully paid within *two months*

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A.D. 1878.

after the same became due, the collector general, or his collector, or any person authorised by the collector general, may levy and raise such rate, or the part thereof remaining unpaid, together with all costs incurred by any neglect or refusal to pay the same, by such distress on all goods and chattels, to whomsoever the same may belong, which may be found on the premises in respect of which the rate is due (except any goods and chattels which, if such distress were for rent reserved on a lease of land for years, would be exempt from such distress), and by such sale and disposition of the distresses taken thereon as are by law provided for the recovery of rent reserved on leases of land for years. Every such distress and sale shall be made in the manner, and subject to the limits as to costs, and to all the other provisions, so far as the same are applicable, by law prescribed for the making of distresses and sales for the recovery of poor rates under the enactments in that behalf of the Act passed in the session of Parliament held in the first and second years of the reign of Her present Majesty, chapter fifty-six, and the several Acts amending the same. The powers conferred upon the collector general by this section shall be in addition to any other powers for recovering rates vested in him by any other Act.

Liability of successive occupiers.

6. Every rate which is primarily leviable upon the occupier of any rateable property shall be paid by the person in the actual occupation of the rateable property at the time when the rate became due, and on his default, then by any person subsequently in the occupation of the rateable property, from whom such rate is demanded.

Deductions from rent.

7. In case the person occupying any rateable property and paying any rate, or any part thereof, or any costs of distraining for the same, is not the person primarily liable to pay the rate, or the immediate or any superior landlord of the person primarily liable, he may deduct and retain the whole of the rate and such costs so paid by him from any rent paid by him, and the person from whose rent such rate and costs are so deducted shall be entitled to make from any rent paid by him such deduction as he would have been entitled to make in case the rate had been duly paid by the person primarily liable to pay the same.

Liability of lessors.

8. Where under the provisions of the principal Act the immediate lessor of any property is rated instead of the occupier, and is himself liable to pay a rent in respect thereof, and such immediate lessor makes default in the payment of any rate, the collector general may proceed for the recovery of such rate either against such

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immediate lessor, or in case it is impossible by the exercise of reasonable diligence to recover such rate from the immediate lessor, then against the person to whom such immediate lessor is liable to pay the rent of the property; and in case such person is himself liable to pay a rent in respect thereof, and it is impossible by the exercise of reasonable diligence to recover such rate from such person, then against any more remote lessor of the property entitled to receive any rent in respect thereof. All the provisions of the principal Act relative to the proceedings to be taken for enforcing the payment of rates shall apply to the proceedings which the collector general is authorised to take under the provisions of this section. Where any lessor of property not primarily liable to the payment of the rate in respect of such property pays any money either directly as rate in consequence of the liability thereto imposed upon him by this section, or by way of repayment to his landlord of money paid by such landlord under the provisions of this section, he shall be entitled to be repaid such amount by the person who holds the rateable property as his tenant, as if the same were part of, and in addition to, the rent payable by such tenant.

Limitation of term for recovery of arrears.

9. The collector general shall not commence any proceeding for the recovery of any arrear of any rate against any person not primarily liable to pay the same, unless within the period of *two years* next after such rate became payable.

Pendency of appeal not to prevent valuation being used.

10. The pendency of an appeal, or of any proceedings consequent thereon, against the valuation or the revision of the valuation of any tenement or hereditament, the rates of which are collected by the collector general, shall not affect the validity of the primary lists of valuation, and such lists, and the valuations therein contained, shall, notwithstanding the pendency of any such appeal or proceedings, be used for the purpose of all such rates, as if such lists were the final lists of valuation; but in case the value assigned by the commissioner of valuation to any tenement or hereditament is afterwards reduced or increased by the commissioner of valuation or any court by reason of such appeal or proceedings, it shall be lawful for the commissioner or court by whom such reduction or increase is made, to order that all such rates made during the pendency of such appeal on any such tenement or hereditament shall be reduced or increased in a ratio equivalent to any reduction or increase made by such commissioner or court in the valuation of such tenement or hereditament.

Where any rate is so reduced, and a sum exceeding the amount of such reduced rate has been paid, the person having paid the same shall be entitled to the repayment of such excess, and where any rate is so increased, the amount of such increase shall be

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A.D. 1878.

payable by, and may be recovered from, the same person, and by the like remedies as the original rate.

Rules to be made by Order in Council.

11. The Lord Lieutenant, by and with the advice and consent of the Privy Council in Ireland, may from time to time make rules and orders for the general government of the office of the collector general; for the keeping, rendering, and publishing of accounts; for prescribing the period and manner of auditing the accounts; for directing the mode in which rates in arrear in respect of any rateable property shall be remitted, and the collector general and his collectors discharged from the obligation to levy them; and for fixing the maximum limit of the amount to be expended on account of the management of the office of the collector general, including office expenses, the salaries or remuneration of the collector general and his clerks, collectors, and other officers, the rent and other expenses of the office, the amount to be paid for law costs; and all incidental expenses to be incurred in the execution of the duties of the office of the collector general.

Estimates to be sent to collector general on 30th November in each year.

12. The several things directed by each of the thirtieth, thirty-second, thirty-fifth, thirty-seventh, thirty-eighth, fortieth, and forty-first sections of the principal Act to be done on or before the tenth day of December in every year shall be done on or before the *thirtieth day of November in the year one thousand eight hundred and seventy-eight*, and every subsequent year.

Repeal.

13. The fifteenth, twenty-sixth, twenty-seventh, fifty-third, fifty-fifth, and fifty-sixth sections of the principal Act are hereby repealed: and so much of the seventieth section of the principal Act as enacts that a demand in writing for rates in arrear shall be made by the collector general or his collector, before proceedings by summons shall be instituted against the person rated, is hereby repealed.

Superannuation of Denis Moylan, Esq., late collector general.

14. The Lord Lieutenant may, at his discretion, grant to Denis Moylan, Esquire, lately collector general of rates, such an annual superannuation allowance not exceeding two thirds of the net amount of the salary payable to, and of the allowances receivable for his own use and benefit by, the said Denis Moylan as collector general, as, having regard to the advanced age and physical infirmity of the said Denis Moylan, the Lord Lieutenant shall think fit. And such allowance may commence from the *twenty-seventh day of June one thousand eight hundred and seventy-eight*, the date of the resignation of his office by the said Denis Moylan, and shall be paid and payable to or in trust for him only, in the same manner, and be charged upon the same funds, as if the same were an allowance granted in pursuance of the provisions of the Local Officers Superannuation Act (Ireland), 1869.

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Collection of Rates (Dublin).

A

B I L L

To amend the law relating to the Collection of Rates in the city of Dublin, and to the Office of the Collector General of Rates; and for other purposes.

(*Prepared and brought in by Mr. James Lowther and Mr. Attorney-General for Ireland.*)

Ordered, by The House of Commons, *to be Printed*, 17 *June* 1878.

[Bill 220.]

Under 1 *oz.*

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A

BILL

TO

Legalise certain Colonial Marriages. A.D. 1878.

WHEREAS laws have been recently passed in certain British colonies, legalising the marriage of a man with the sister of his deceased wife, and such laws have been duly sanctioned by the Imperial Government:

And whereas similar laws may be hereafter passed in other British colonies, and such laws may be sanctioned as aforesaid:

And whereas doubts have arisen as to the status and legitimacy and rights of inheritance and succession within the United Kingdom of the issue of such marriages, and it is just and expedient that such doubts should be removed, and that the legitimacy of such issue for all purposes should be distinctly affirmed and declared:

Be it declared and enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same:

Issue of lawful marriages in colonies to have rights of legitimacy in United Kingdom.

1. That the issue of all such marriages as have been or shall be hereafter contracted by persons domiciled in colonies where such marriages are lawful shall have and enjoy all such rights of inheritance, succession, and otherwise within the United Kingdom as they would have been entitled to had they been the issue of parents lawfully married in the United Kingdom.

Provided, that where any person has before the passing of this Act come into the possession of any estate or right by reason of the illegitimacy in the United Kingdom of the issue of any marriage of a man with the sister of his deceased wife, the estate, right, and title of the person so in possession shall be the same and of the same validity for all purposes, and shall descend or be transmitted in the same manner and to the same persons, as if this Act had not been passed.

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Colonial Marriages.

A

B I L L

To legalise certain Colonial Marriages.

(*Prepared and brought in by*
Mr. Knatchbull-Hugessen, Mr. Russell Gurney,
and Sir Thomas Chambers.)

Ordered, by The House of Commons, *to be Printed,*
18 *January* 1878

[Bill 16.]

Under 1 *oz.*

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Commons Regulation (Expenses) Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title.
2. Raising of expenses of regulation of common by sale.
3. Amendment of 39 & 40 Vict. c. 56. s. 14. as to raising money for improvement or protection of common.

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A

B I L L

TO

Amend the Law respecting the expense of regulating Commons. A.D. 1878.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title. 8 & 9 Vict. c. 118. 39 & 40 Vict. c. 56.

1. This Act may be cited as the Commons (Expenses) Act, 1878, and together with the Inclosure Acts, 1845 to 1876, as the Inclosure Acts, 1845 to 1878.

Raising of expenses of regulation of common by sale of portion of common.

2. The Inclosure Commissioners may, if they think fit, insert in any provisional order for the regulation of a common a provision for the raising and payment of the expenses of and incidental to the regulation of such common, either wholly or partly, by a sale of a portion of the common; and they shall in such case specify in the provisional order the situation and the maximum quantity of the portion of the common which may be so sold; and where such provision is made the said expenses may be raised and paid accordingly in manner provided by the Inclosure Acts, 1845 to 1868.

Amendment of 39 & 40 Vict. c. 56. s. 14 as to raising money for improvement or protection of common

3. Where in a provisional order for the regulation of a common the Inclosure Commissioners insert, in pursuance of section fourteen of the Commons Act, 1876, a provision for the raising of money to be applied towards the improvement or protection of such common by means of the sale of any portion, they shall in the provisional order specify the situation and maximum quantity of the portion which may so be sold; they may, if they think fit, also insert in the order a provision for the investment of the proceeds of such sale or any part of those proceeds, and for the application of the annual income of the investment towards the improvement or protection of such common, and for the sale of such investment or any part thereof from time to time, and the application of the proceeds of such sale towards the improvement or protection of such common.

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Commons Regulation (Expenses).

A

BILL

To amend the Law respecting the expense of regulating Commons.

(*Prepared and brought in by Sir Matthew Ridley and Mr. Secretary Cross.*)

Ordered, by The House of Commons, *to be Printed,* 23 *July* 1878.

[Bill 273.]

Under 1 *oz.*

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A

B I L L

TO

Amend and further extend the Acts for the Commutation of Tithes in England and Wales. A.D. 1878.

WHEREAS an Act was passed in the session of Parliament held in the sixth and seventh years of the reign of His late Majesty King William the Fourth, intituled "An Act for the "commutation of tithes in England and Wales," and the said Act has been amended, and the provisions thereof have been extended, by Acts passed in the sessions of Parliament held respectively in the first year, the first and second years, the second and third years, the third year, the fifth and sixth years, and the twenty-third and twenty-fourth years of the reign of Her present Majesty:

And whereas it is expedient that the said Acts should be amended, and that the provisions thereof should be further extended in manner herein-after mentioned:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Redemption of tithe on land required for public purposes.

1. In all cases where land charged with rentcharge in lieu of tithes is taken for any of the following purposes; that is to say,

The building of any church, chapel, or other place of public worship;

The making of any cemetery or other place of burial;

The erection of any school under the Elementary Education Act;

The erection of any town hall, court of assize, gaol, lunatic asylum, hospital, or any other building used for public purposes, or in the carrying out of any improvements under the Artisan's Dwellings Act, 1875;

The formation of any sewage farm under the provisions of the Sanitary Acts, or the construction of any sewers, or sewage works, or any gas or water works;

[Bill 222.]

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A.D. 1878.

Or the enlarging and improving of the premises or buildings occupied or used for any of the above-mentioned purposes;

The person or persons proposing to carry out the above-mentioned works, buildings, or improvements shall, as soon as the said person or persons are in possession of the land, and before the land is applied to any of the purposes aforesaid, apply to the Tithe Commissioners to order the redemption of the rentcharge for a sum of money equal to *twenty-five* times the amount thereof; and the redemption money, with the expenses incident to the redemption, shall be paid to the said Commissioners within a time to be fixed by such order, or within any enlarged time the Commissioners may appoint, and the Commissioners shall apply such redemption money in the manner provided by the said Acts.

Application for redemption.

2. The application to the said Commissioners in respect of any such land may be signed by the secretary of any company which shall have taken the land, or in the case of a corporation, school or other board, by the clerk of the said board or corporation, and in every other case by such person or persons as the Commissioners may require.

Redemption of tithe not exceeding twenty shillings.

3. Whenever land has been charged with any rentcharge not exceeding *twenty shillings* the Commissioners may, if they see fit, upon the application of the owner of such land, or of the person entitled to the rentcharge thereon, by an order under their hands and seal, direct that such rentcharge shall be redeemed by the payment by or on behalf of the owner of the said land charged therewith, within such time as the Commissioners by such order shall direct and appoint, of a sum of money equal to *twenty-five* times the amount of such rentcharge.

Redemption of tithe exceeding twenty shillings.

4. Whenever any land has been charged with a rentcharge exceeding *twenty shillings*, the Commissioners may, if they see fit, upon the joint application of the owner of the land and the person entitled to the rentcharge, order such rentcharge to be redeemed for a sum not being less than *twenty-five* times the amount thereof, provided that the bishop of the diocese and the patron of the benefice consent to such redemption, whenever the person entitled to the rentcharge is entitled thereto in right of any benefice or cure.

Application of existing powers to this Act.

5. All the powers and provisions of the said recited Acts respecting the redemption of rentcharge and the assessment and recovery of redemption money and expenses (except as otherwise by this Act is provided) shall be applicable to all redemptions authorised and effected under this Act.

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Commutation of Tithes.

A

B I L L

To amend and further extend the Acts for the Commutation of Tithes in England and Wales.

(*Prepared and brought in by Mr. Cubitt, Mr. Arthur Vivian, Mr. Monk, and Mr. Rodwell.*)

Ordered, by The House of Commons, *to be Printed*, 19 *June* 1878.

[Bill 222.]

Under 1 *oz.*

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LORDS AMENDMENT

TO THE

COMMUTATION OF TITHES BILL.

Note.—*The page and line refer to the Bill* (151.) *as first printed by the Lords.*

After clause 4 insert clause A.

(A.) Whenever lands charged with rentcharge under any instrument of apportionment or altered apportionment shall be divided for building or other purposes into numerous plots, and it shall appear to the commissioners that no further apportionment of the said rentcharge can conveniently be made, the commissioners may, if they shall see fit, upon the application of the owner or of the person for the time being entitled to the receipt of the said rentcharge, and without limitation as to the amount thereof, by an order under their hands and seal, direct that such rentcharge shall be redeemed by the payment by the owners of the lands chargeable therewith, within such time as the commissioners shall by such order direct and appoint, of a sum of money not less than twenty-five times the amount of such rentcharge.

[Bill 284.]

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LORDS AMENDMENT

TO THE

COMMUTATION OF TITHES BILL.

Ordered, by The House of Commons, *to be Printed*,
30 *July* 1878.

[Bill 284.]

Under 1 oz.

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A

B I L L

TO

Amend the Law relating to the Registration of Foreigners as Shareholders in Companies.

A.D. 1878.

WHEREAS it is expedient to amend the law relating to the registration of foreigners as shareholders in companies:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title and construction.

1. This Act may be cited as the Companies Act, 1878, and shall be construed as one with the Companies Acts, 1862, 1867, and 1877.

Amendment of law.

2. It shall be lawful for a company to refuse to register any person not being a British subject, or any person being a British subject but residing out of Her Majesty's dominions, as the transferee of any share in the company which is not fully paid up.

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Companies (Foreign Shareholders).

A

B I L L

To amend the Law relating to the Registration of Foreigners as Shareholders in Companies.

(*Prepared and brought in by Sir John Lubbock, Sir Andrew Lusk, Sir Charles Mills, and Mr. Charles Praed.*)

Ordered, by The House of Commons, *to be Printed,* 14 *February* 1878.

[Bill 118.]

Under 1 *oz.*

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A

B I L L

TO

Abolish the Congé d'élire, and to make provision for the appointment of Archbishops and Bishops in England and Wales. A.D. 1878.

WHEREAS by an Act of the twenty-fifth year of the reign of King Henry the Eighth, chapter twenty, it is enacted that if any dean and chapter to whom a royal licence to proceed to the election of an archbishop or bishop, with a letter missive containing the name of the person whom they shall elect and choose, shall have been directed, do defer or delay their election above twelve days next after such licence or letter missive to them delivered, then for every such default the King's Highness, his heirs and successors, at their liberty and pleasure shall nominate and present, by their letters patent under their great seal, such a person to the said office and dignity so being void, as they shall think able and convenient for the same:

And whereas by "The Bishopric of St. Alban's Act, 1875," it is enacted that, so long as there is no Dean and Chapter of St. Albans, Her Majesty may appoint the Bishop of St. Albans by letters patent, and such letters patent shall be made in the like manner, so far as circumstances admit, and have the same effect as letters patent of Her Majesty nominating a bishop in the case of a bishopric, where a dean and chapter have not proceeded to elect a bishop in accordance with the licence and letters missive of Her Majesty:

And whereas the like provision is made for the appointment of a Bishop of Truro by Her Majesty by letters patent in "The Bishopric of Truro Act, 1876:"

And whereas the elections of archbishops and bishops by deans and chapters are in reality no elections, but by reason of the writ of Congé d'élire and of the letter missive containing the name of the person whom they shall elect, have only the colour and pretence of elections, serving to no good purpose, but compelling such deans

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A.D. 1878.

and chapters to go through an unreal and objectionable form, and lead to great costs and long delays in filling up vacancies in those offices:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Abolition of Congé d'élire.

1. From and after the *passing of this Act*, no writ of Congé d'élire shall be issued, and no election of any archbishop or bishop shall be made by the dean and chapter of any cathedral church in England and Wales.

Archbishops and bishops to be appointed by letters patent.

2. Whensoever and as often as any archbishopric or bishopric shall become void it shall be lawful for Her Majesty, her heirs or successors, by letters patent under the Great Seal, to confer the same upon any duly qualified person whom the Queen, her heirs or successors, shall think fit to select; and such letters patent shall be made in the like manner, so far as circumstances admit, and have the same effect as letters patent of Her Majesty nominating a bishop in the case of a bishopric, where a dean and chapter have not proceeded to elect a bishop in accordance with the license and letters missive of Her Majesty.

Short title.

3. This Act may be cited as the "Appointment of Bishops Act, 1878."

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Congé d'élire.

A

BILL

To abolish the Congé d'élire, and to make provision for the appointment of Archbishops and Bishops in England and Wales.

(*Prepared and brought in by Mr. Monk, Mr. Forsyth, and Mr. Assheton.*)

Ordered, by The House of Commons, *to be Printed,* 13 *February* 1878.

[Bill 110.]

Under 1 *oz.*

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A

B I L L

TO

Amend "the Consecration of Churchyards Act, 1867." A.D. 1878.

WHEREAS it is expedient to extend the provisions of "the Consecration of Churchyards Act, 1867:"

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as "the Consecration of Churchyards Act, 1878."

Portion of churchyard may be left unconsecrated.

2. Nothing in "the Consecration of Churchyards Act, 1867," contained shall be construed to prohibit a portion of any lands or hereditaments adjoining any churchyard, which may be conveyed under the provisions of the said Act for the purpose of an addition thereto, being left unconsecrated, such pathway or such boundary marks of stone or iron as may be sufficient to show the boundaries of the consecrated and unconsecrated portions being placed between the same.

Instrument of consecration.

3. When any portion of the ground so added is to be left unconsecrated, the instrument declaring or recording the consecration of a portion of such ground shall be in the following form, endorsed on a plan of the ground so added:

"I, *A.B.*, Bishop of do hereby declare and
"record the ground added to the churchyard of
"as on the within plan delineated to be part of the said church-
"yard, and the portion of the ground coloured in the
"said plan to be consecrated ground."

Control of ground left unconsecrated.

4. The portion of the ground so added which shall be left unconsecrated shall be subject to the control and shall be under the care of the incumbent and churchwardens of the parish within which such churchyard is situate, who shall exercise in all respects

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A.D. 1878.

the same powers that are now exercised by a Burial Board over the unconsecrated portion of a public burial ground.

Registration of burials.

5. Every burial within the unconsecrated portion of any such churchyard shall be registered in the parish register book for burials with the words "in the unconsecrated portion" following such entry.

Incorporation of Act of 31 Vict. c. 133.

6. All the provisions in "the Consecration of Churchyards Act, 1876," contained, so far as they are consistent with this Act, shall be incorporatod herewith.

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Consecration of Churchyards Act (1867), Amendment.

A

B I L L

To amend "the Consecration of Churchyards Act, 1867."

(*Prepared and brought in by Mr. Monk and Mr. Forsyth.*)

Ordered, by The House of Commons, *to be Printed*, 14 *May* 1878.

[Bill 176.]

Under 1 *oz.*

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A

B I L L

FOR

The repeal of the Contagious Diseases Acts. A.D. 1878.

WHEREAS it is expedient to repeal the Contagious Diseases Acts:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. The several Acts set forth in the Schedule to this Act shall be and the same are hereby repealed as from the *passing of this Act*. Repeal of Acts.

SCHEDULE.

(1.) The Contagious Diseases Prevention Act, 1864.
(2.) The Contagious Diseases Act, 1866.
(3.) The Contagious Diseases Act, 1869.

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Contagious Diseases Acts Repeal.

A

BILL

For the repeal of the Contagious Diseases Acts.

(*Prepared and brought in by Sir Harcourt Johnstone, Mr. Stansfeld, Mr. Whitbread, and Mr. Mundella.*

Ordered, by The House of Commons, *to be Printed*, 18 *January* 1878.

[Bill 59.]

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Contagious Diseases (Animals) Bill. [H.L.]

ARRANGEMENT OF CLAUSES.

No.	Marginal Note.	Former Enactments.*
	PART I.—GENERAL.	
1	Short title.	
2	Commencement of Act.	
3	Division of Act into parts - - - -	1869, sect. 3.
4	Repeal of enactments in schedule, with savings and other provisions.	1869, sect. 4.
5	Interpretation and construction - - -	1869, sect. 6.
	PART II.—ENGLAND.	
6	Extent of Part II.	
7	Definition of county and other districts - -	1869, sect. 7.
	Privy Council.	
8	Powers of Privy Council - - - -	1869, sect. 5.
	Local Authorities.	
9	Local authorities described in schedule - -	1869, sects. 9, 10, 28, (1.)
	Cattle Plague. - - -	1869, sects. 34 to 53, and Part V.
10	Declaration of infected place in cattle plague by inspector.	
11	Declaration of infected place in cattle plague by Privy Council.	
12	Declaration of infected district in cattle plague.	
13	Alteration of infected place or district in cattle plague.	
14	Declaration of freedom from cattle plague.	
15	Slaughter by Privy Council in cattle plague and compensation out of public money.	
	Pleuro-Pneumonia - - -	1869, sects. 54, 55.
16	Declaration of infected place in pleuro-pneumonia by local authority.	
17	Declaration or extension of infected place in pleuro-pneumonia by Privy Council.	
18	Declaration of infected district in pleuro-pneumonia by Privy Council.	
19	Rules for pleuro-pneumonia.	
20	Declaration of freedom from pleuro-pneumonia.	
21	Slaughter in pleuro-pneumonia, and compensation out of local rates.	

* Act of 1869, 32 & 33 Vict. c. 70.; the Contagious Diseases (Animals) Act, 1869.

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No.	Marginal Note.	Former Enactments.
	Foot-and-Mouth Disease.	
22	Declaration of infected place in foot-and-mouth disease by local authority.	
23	Declaration or extension of infected place in foot-and-mouth disease by Privy Council.	
24	Rules for foot-and-mouth disease.	
25	Declaration of freedom from foot-and-mouth disease.	
	Exceptional Powers for transit and other cases.	
26	Privy Council to provide for pleuro-pneumonia and foot-and-mouth disease during transit, and in other cases.	1869, sect. 57, last paragraph.
	Infected Places and Districts generally.	
27	General provisions respecting declaration of infected places and districts.	
	Slaughter in Disease, and Compensation, generally.	
28	Power for Privy Council to provide for slaughter in other diseases.	1869, sect. 75.
29	General provisions relative to slaughter and compensation	1869, Part V.
	Disease and Movement, generally.	
30	Power for Privy Council to make orders for prevention or checking of disease, and other purposes.	1869, sect. 75.
31	Provision of water and food at railway stations -	1869, sect. 64.
	Dairies, Cow-sheds, and Milk-shops.	
32	Power for Privy Council to make orders relative to dairies, cow-sheds, and milk-shops.	
	Foreign Animals.	
33	Prohibition of importation; slaughter or quarantine -	1869, sects. 16 to 20.
34	Regulation of ports - - - - -	1869, sects. 15 to 20.
	Powers and Duties of Local Authorities.	
35	Local authorities to be treated as incorporated -	1869, sect. 87.
36	Committees of local authorities - - -	1869, sect. 11.
37	Provision of places for landing of foreign animals -	1869, sects. 23 to 30.
38	Power for local authority to acquire land - -	1869, Part VII.
39	Duties of local authorities and enforcement thereof -	1869, sect. 79.
40	Inspectors and other officers of local authority -	1869, sects. 12, 13.
41	Reports to Privy Council - - - -	1869, sect. 14.
42	Orders and regulations of local authorities - -	1869, sect. 84.
43	Powers of local authorities to be for their district.	
	Expenses of Local Authorities.	
CLAUSE A.	Expenses out of local rate - - - - -	1869, Part VIII.
CLAUSE B.	Relief of boroughs from contribution to county expenses.	1869, sect. 97.
CLAUSE C.	Outstanding rates - - - - - -	1869, sect. 102.

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No.	Marginal Note.	Former Enactments.
	Borrowing by Local Authorities.	
Clause D.	Power for local authority to borrow - - -	1869, sects. 98, 99, 26.
	Police.	
44	Duties and authorities of constables - - -	1869, sects. 48, 49, 105.
	General.	
45	General powers of inspectors - - - -	1869, sects. 32, 62.
46	Power for detention of vessels.	
47	Expenses of burial of carcases washed ashore.	
48	Power to exclude strangers by notice - - -	1869, sect. 59.
49	Provisions for protection of local authority and persons acting under Act.	1869, sects. 110–115.
Clause E.	No stamp duty or fees - - - -	1869, sect. 83.
50	Evidence and form and service of instruments -	1869, sect. 82.
51	Provisions respecting Orders of Council - -	1869, sect. 81.
52	Yearly return to be laid before Houses of Parliament.	
	Offences and Proceedings.	
53	Fines for offences - - - - -	1869, sect. 103.
54	General offences - - - - - -	1869, sects. 32, 105.
55	Imprisonment instead of fine for use of expired licences, digging up of carcases, and other specified offences -	1869, sect. 104.
56	Proceedings in court of summary jurisdiction.	
57	Appeal - - - - - - -	1869, sect. 108.
58	Proceedings under Customs Acts for unlawful landing or shipping.	1869, sects. 21, 78.
59	General provision as to procedure - - -	1869, sects. 109, 107, 106.
	Part III.—Scotland. - -	1869, Part X. and 38 & 39 Vict. c. 75.
60	Application of Parts II. and III. to Scotland.	
	Local Authorities.	
61	Local authorities in schedule.	
62	Appointment of local authority in counties.	
Clause F.	Levy and recovery of assessments.	
	Land.	
Clause G.	Purchase of land.	
	Borrowing.	
Clause H.	Provisions as to borrowing by local authority.	
	Inspectors.	
63	Powers and qualifications of inspectors.	
	Legal Proceedings.	
64	Recovery and application of penalties, and other matters.	

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No.	Marginal Note.	Former Enactments.
	PART IV.—IRELAND - -	Acts mentioned in Part III. of First Schedule.
65	Application of Parts II. and IV. to Ireland.	
66	Interpretation in Part IV.	
	Lord Lieutenant and Privy Council.	
67	Powers of Lord Lieutenant and Privy Council.	
68	Communication of Orders from and to Ireland.	
	Local Authorities.	
69	Constitution of local authorities; lands and borrowing.	
70	Provisions applicable by Order to local authorities.	
	Inspectors.	
71	Qualifications and powers of inspectors.	
	Expenses of Local Authorities.	
CLAUSE I.	Expenses out of union funds.	
	General Cattle Diseases Fund.	
CLAUSE K.	Constitution of fund.	
CLAUSE L.	Application of fund.	
	General.	
72	Application of provisions respecting police.	
73	Recovery of penalties and summary proceedings.	
74	Publication and proof of Orders in Council.	
CLAUSE M	Provision for expenses of Veterinary Department.	
	SCHEDULES.	
	The First Schedule (*Enactments repealed*) - -	1869, First Schedule.
	The Second Schedule (*Local Authorities in England*) -	1869, Second Schedule.
	The Third Schedule (*Pleuro-pneumonia*) - -	1869, Seventh Schedule.
	The Fourth Schedule (*Foot-and-Mouth Disease*).	
	The Fifth Schedule (*Foreign Animals*) - -	1869, Fourth Schedule.
	The Sixth Schedule (*Committees of Local Authorities*)	1869, Third Schedule.
	The Seventh Schedule (*Local Authorities in Scotland*) -	1869, Ninth Schedule.

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A

BILL

INTITULED

An Act for making better provision respecting Contagious and Infectious Diseases of Cattle and other Animals; and for other purposes. A.D. 1878.

[NOTE.—*The clauses and words printed in red ink are proposed to be inserted in Committee.*]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

PART I.—GENERAL.

Short title.

1. This Act may be cited as the Contagious Diseases (Animals) Act, 1878.

Commencement of Act.

2.—(1.) This Act shall, except as otherwise expressed, commence and have effect from and immediately after the thirtieth day of September, one thousand eight hundred and seventy-eight, which time is in this Act referred to as the commencement of this Act.

(2.) But, on and after the passing of this Act, any Order of Council and Order in Council necessary or proper for bringing this Act into operation at the commencement thereof, and any order or regulation of a local authority authorized by any such Order of Council or in Council, may be made, so that the same do not take effect before the commencement of this Act; and, on and after the passing of this Act, any committee, and any inspector or other officer, may be appointed, to act under this Act as from the commencement thereof.

Division of Act into parts.

3. This Act is divided into Parts, as follows:

Part I.—General.
Part II.—England.
Part III.—Scotland.
Part IV.—Ireland.

Repeal of enactments in schedule, with savings and other provisions.

4.—(1.) The enactments described in the First Schedule are hereby repealed, subject to the qualifications and exceptions in this Act mentioned.

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A.D. 1878.

(2.) The repeal of enactments or any other thing in this Act shall not—

(i.) Affect the past operation of any of those enactments, or any Order of Council or in Council or regulation of a local authority made, or any licence granted, or any committee or sub-committee constituted, or any appointment made, or any right, title, obligation, or liability accrued, or any money borrowed, or any market, wharf, lair, landing-place, or other accommodation provided, or any rate or mortgage made, or the validity or invalidity of anything done or suffered, under any of those enactments before the commencement of this Act:

(ii.) Interfere with the institution or prosecution of any action or proceeding, civil or criminal, in respect of any offence committed against, or penalty or forfeiture incurred or liability accrued under or in consequence of, any of those enactments or any order or regulation made thereunder:

(iii.) Take away or abridge any protection or benefit given or to be enjoyed in relation thereto.

(3.) Notwithstanding the repeal of enactments or any other thing in this Act, every Order of Council and in Council and other thing in this section mentioned shall continue and be as if this Act had not been passed; but so that the same may be revoked, altered, or otherwise dealt with under this Act, as if it had been made or done under this Act.

32 & 33 Vict. c. 70. 40 & 41 Vict. c. 68.

(4.) This Act, instead of the Contagious Diseases (Animals) Act, 1869, shall be deemed to be referred to in the Destructive Insects Act, 1877; and penalties under the provisions of that Act relating to Great Britain shall be recoverable in manner provided in Parts II. and III. of this Act.

Interpretation and construction.

5.—(1.) In this Act—

(i.) "Cattle" means bulls, cows, oxen, heifers, and calves:

(ii.) "Animals" means, except where it is otherwise expressed, cattle, sheep, and goats, and all other ruminating animals, and swine:

(iii.) "Disease" means cattle plague (that is to say, rinderpest or the disease commonly called cattle plague), contagious pleuro-pneumonia of cattle (in this Act called pleuro-pneumonia), foot-and-mouth disease, sheep-pox, or sheep-scab:

(iv.) "Diseased" means affected with disease:

(v.) "Suspected" means suspected of being diseased:

(vi.) "Carcase" means the carcase of an animal, and includes part of a carcase, and the meat, bones, hide, skin, hoofs, horns, offal, or other part of an animal, separately or otherwise, or any portion thereof:

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(vii.) "Fodder" means hay or other substance commonly used for food of animals:

(viii.) "Litter" means straw or other substance commonly used for bedding or otherwise for or about animals:

(ix.) "Foreign," applied to a country, denotes a country out of the United Kingdom of Great Britain and Ireland, and, applied to animals and things, means brought to the United Kingdom of Great Britain and Ireland from a foreign country:

(x.) "Inspector of the Privy Council" or "Inspector of a local authority" means a person appointed to be an inspector for purposes of this Act, by the Privy Council, or by a local authority, as the case may be; and "inspector," used alone, means such a person, by whichever authority appointed:

(xi.) "Veterinary," used with "inspector," means being a member of the Royal College of Veterinary Surgeons:

(xii.) "Treasury" means the Commissioners of Her Majesty's Treasury:

(xiii.) "The Corporation of London" means the Mayor and Commonalty and Citizens of the City of London, acting by the Mayor, Aldermen, and Commons of that City, in Common Council assembled:

(xiv.) "The Customs Acts" means the Customs Consolidation Act, 1876, and any enactment amending or substituted for that Act: 39 & 40 Vict. c. 36.

(xv.) "Justice" means justice of the peace:

(xvi.) "Court of summary jurisdiction" means two or more justices sitting in petty sessions at a court or other public place appointed in that behalf, or a police, stipendiary, or other magistrate or officer, however designated, having by law power to act for any purpose with the authority of two justices, and sitting at a police court or other place appointed in that behalf:

(xvii.) "Railway company" includes a company or persons working a railway under lease or otherwise:

(xviii.) "Person" includes a body corporate or unincorporate:

(xix.) "Part" means Part of this Act, and "Schedule" means Schedule to this Act.

(2.) The schedules shall be construed and have effect as part of this Act.

(3.) In the computation of time for purposes of this Act, a period reckoned by days from the happening of an event or the doing of an act or thing shall be deemed to be exclusive of the day on which the event happens or the act or thing is done.

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PART II.—ENGLAND.

Extent of Part II.

6. Part II. applies to England.

7. In and for purposes of Part II.—

Definition of county and other districts.

(i.) "County" does not include a county of a city or a county of a town, but includes a riding or division or parts of a county having a separate commission of the peace:

(ii.) The liberty of the Isle of Ely and the soke of Peterborough are each a county:

(iii.) Every other liberty or franchise of a county is part of the county by which it is surrounded, or, if partly surrounded by two or more counties, is part of that county with which it has the longest common boundary:

18 & 19 Vict. c. 120.

(iv.) "Metropolis" has the same meaning as in the Metropolis Management Act, 1855:

(v.) "Borough" means—

5 & 6 Will. 4. c. 76.

(*a.*) A place subject to the Municipal Corporation Act, 1835; or

(*b.*) A place having under any general or local Act of Parliament, or otherwise, a separate police establishment:

(vi.) Every place not being a county, borough, part of the metropolis, or named in the Second Schedule, forms part of the county to the county rate whereof it is assessed, or, if it is not so assessed, forms part of the county wherein it is situate.

Privy Council.

Powers of Privy Council.

8.—(1.) In this Act Her Majesty's Most Honourable Privy Council is referred to as the Privy Council, and an order of the Privy Council under this Act is referred to as an Order of Council.

(2.) Powers by this Act conferred on the Privy Council may be exercised by the lords and others of the Privy Council, or two of them; and, as regards the making of orders and doing of acts affecting only particular local authorities, persons, ports, towns, districts, places, vessels, or things, and as regards the issuing and revocation of licences, and the appointment or removal of inspectors and other officers, may be exercised by the Lord President of the Council or one of Her Majesty's Principal Secretaries of State.

Local Authorities.

Local authorities described in schedule.

9. For the purposes of this Part, the respective districts, authorities, rates, and officers, described in the Second Schedule, shall be the district, the local authority, the local rate, and the clerk of the local authority, but subject as regards the Metropolis to the following provisions:

(i.) The Corporation of London shall alone be the local authority in and for the Metropolis for purposes of the provisions of this Act relating to foreign animals.

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(ii.) The City of London and the liberties thereof shall be exempt from contributing for purposes of this Act to the metropolitan consolidated rate.

Cattle Plague.

Declaration of infected place in cattle plague by inspector.

10.—(1.) Where it appears to an inspector that cattle plague exists, or has within ten days existed, in a cow-shed, field, or other place, he shall forthwith make and sign a declaration thereof.

(2.) He shall serve a notice, signed by him, of that declaration on the occupier of that cow-shed, field, or other place.

(3.) Thereupon that cowshed, field, or other place, with all lands and buildings contiguous thereto in the same occupation, shall become and be a place infected with cattle-plague, subject to the determination and declaration of the Privy Council.

(4.) The inspector shall serve a like notice, signed by him, unless, in the circumstances, this appears to him not to be expedient, on the occupiers of all lands and buildings, any part whereof lies in his judgment within one mile in any direction from that cow-shed, field, or other place, or on the occupiers of any of those lands and buildings.

(5.) Thereupon, all the lands and buildings aforesaid, on the occupiers whereof the inspector serves such a notice, shall become and be part of the aforesaid place infected with cattle plague, subject to the determination and declaration of the Privy Council.

(6.) The inspector shall, with all practicable speed, inform the Privy Council and the local authority of his declaration and notices, and shall send to the Privy Council his declaration and a copy of his secondly-mentioned notice (if any).

(7.) The Privy Council shall forthwith on receipt of the information inquire into the correctness of the inspector's declaration.

(8.) If the Privy Council are satisfied of the correctness of that declaration as regards the existence or past existence of cattle plague, they shall by order determine and declare accordingly, and prescribe the limits of the place infected with cattle plague.

(9.) If the Privy Council are not satisfied of the correctness of the inspector's declaration as regards the existence or past existence of cattle plague, they shall by order determine and declare accordingly; and thereupon, as from the time specified in the order, the place comprised in the inspector's declaration and notices shall cease to be a place infected with cattle plague.

Declaration of infected place in

11. The Privy Council may at any time, if they think fit, on any evidence satisfactory to them, by order declare any cow-shed, field,

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cattle plague by Privy Council.

or other place, with or without any lands or buildings adjoining or near thereto, to be a place infected with cattle plague.

Declaration of infected district in cattle plague.

12. The Privy Council may from time to time, if they think fit, by order declare any district, wherein a place infected with cattle plague is situate, to be a district infected with cattle plague.

Alteration of infected place or district in cattle plague.

13. The Privy Council may from time to time, if they think fit, by order extend, contract, or otherwise alter the limits of a place or district infected with cattle plague.

Declaration of freedom from cattle plague.

14. The Privy Council may at any time, if they think fit, by order declare a place or district infected with cattle plague, or part thereof, to be free from cattle plague.

Slaughter by Privy Council in cattle plague and compensation out of public money.

15.—(1.) The Privy Council shall cause to be slaughtered—

(i.) All animals affected with cattle plague:

(ii.) All animals being or having been in the same shed or stable, herd or flock, or in contact, with an animal affected with cattle plague.

(2.) The Privy Council may, if they think fit, in any case cause to be slaughtered—

(iii.) All animals suspected of cattle plague:

(iv.) All animals being in such parts of a district infected with cattle plague as are not comprised in a place infected with cattle plague (but in this last-mentioned case subject to such regulations as the Treasury from time to time think fit to make).

(3.) The Privy Council shall, for animals slaughtered under this section, pay compensation as follows, out of money provided by Parliament:

(*a.*) Where the animal slaughtered was affected with cattle plague, the compensation shall be one half of its value immediately before it became so affected, but so that the compensation do not in any such case exceed twenty pounds:

(*b.*) In every other case the compensation shall be the value of the animal immediately before it was slaughtered, but so that the compensation do not in any case exceed forty pounds.

Pleuro-Pneumonia.

Declaration of infected place in pleuro-pneumonia by local authority.

16.—(1.) Where it appears to an inspector of a local authority that pleuro-pneumonia exists, or has within twenty-eight days existed, in a cow-shed, field, or other place, he shall forthwith make and sign a declaration thereof.

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(2.) He shall serve a notice, signed by him, of the declaration on the occupier of that cow-shed, field, or other place.

(3.) Thereupon that cow-shed, field, or other place shall become and be a place infected with pleuro-pneumonia, subject to the determination and declaration of the local authority.

(4.) The inspector shall, with all practicable speed, inform the local authority of his declaration and notice, and shall send his declaration and a copy of his notice to the local authority.

(5.) The local authority shall forthwith on receipt of that information inquire into the correctness of the inspector's declaration, with the assistance and advice of a veterinary inspector, or of a person qualified according to this Act to be such.

(6.) If the local authority are satisfied of the correctness of the inspector's declaration as regards the existence or past existence of disease, they shall by order determine and declare accordingly, and prescribe the limits of the place infected with pleuro-pneumonia, and may, if they think fit, include within those limits any lands or buildings adjoining or near to the cowshed, field, or other place to which the inspector's declaration relates.

(7.) The local authority may include in a place infected with pleuro-pneumonia any adjoining part of the district of another local authority, with the previous consent in writing of that authority, but not otherwise.

(8.) If the local authority are not satisfied of the correctness of the inspector's declaration as regards the existence or past existence of disease, they shall by order determine and declare accordingly; and thereupon, as from the time specified in that behalf in their order, the cow-shed, field, or other place to which the inspector's declaration relates shall cease to be a place infected with pleuro-pneumonia.

(9.) The local authority shall forthwith report to the Privy Council the declaration of the inspector, and the proceedings of the local authority thereon, and shall state whether or not it is, in their opinion, expedient that an infected district, comprising the infected place, shall be declared, and, if so, what should, in their opinion, be the limits of that district.

Declaration or extension of infected place in pleuro-pneumonia by Privy Council.

17.—(1.) The Privy Council may at any time, if they think fit, on any evidence satisfactory to them, by order declare any cow-shed, field, or other place, with or without any lands or buildings adjoining or near thereto, to be a place infected with pleuro-pneumonia.

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(2.) The Privy Council may from time to time, if they think fit, by order extend the limits of a place infected with pleuro-pneumonia, declared either by a local authority or by the Privy Council.

Declaration of infected district in pleuro-pneumonia by Privy Council.

18. The Privy Council may at any time, if they think fit, on any evidence satisfactory to them, by order declare any district wherein a place infected with pleuro-pneumonia is situate to be a district infected with pleuro-pneumonia, and may from time to time, if they think fit, by order extend the limits of such a district.

Rules for pleuro-pneumonia.

19. The rules set forth in the Third Schedule shall have effect in relation to a place or district infected with pleuro-pneumonia.

Declaration of freedom from pleuro-pneumonia.

20.—(1.) Where a local authority have declared a place to be infected with pleuro-pneumonia, they may, if they think fit, at any time after the expiration of fifty-six days from the date of the cessation therein of that disease, but not sooner, declare by order that place to be free from pleuro-pneumonia.

(2.) Where the Privy Council or a local authority have declared a place to be infected with pleuro-pneumonia, the Privy Council may, if they think fit, at any time after the expiration of fifty-six days from the date of the cessation therein of that disease, but not sooner, declare by order that place to be free from pleuro-pneumonia.

(3.) Where the Privy Council have declared a district to be infected with pleuro-pneumonia, they may, if they think fit, at any time when there is not within that district, or within some particular portion thereof, any place infected with pleuro-pneumonia, declare by order that district, or that portion thereof, to be free from pleuro-pneumonia.

Slaughter in pleuro-pneumonia, and compensation out of local rates.

21.—(1.) A local authority shall cause all cattle affected with pleuro-pneumonia to be slaughtered within two days after the existence of the disease is known to them.

(2.) A local authority may, if they think fit, cause any cattle being or having been in the same shed or herd, or in contact, with cattle affected with pleuro-pneumonia to be slaughtered.

(3.) The local authority shall out of the local rate pay compensation as follows for cattle slaughtered under this section:

(i.) Where the animal slaughtered was affected with pleuro-pneumonia, the compensation shall be three fourths of its value immediately before it became so affected, but so that the compensation do not in any such case exceed thirty pounds:

(ii.) In every other case the compensation shall be the value of the animal immediately before it was slaughtered, but so that the compensation do not in any case exceed forty pounds.

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Foot-and-Mouth Disease. A.D. 1878.

Declaration of infected place in foot-and-mouth disease by local authority.

22.—(1.) Where it appears to an inspector of a local authority that foot-and-mouth disease exists, or has within ten days existed, in a cow-shed, field, or other place, he shall forthwith make and sign a declaration thereof.

(2.) He shall serve a notice, signed by him, of that declaration on the occupier of that cow-shed, field, or other place.

(3.) Thereupon that cow-shed, field, or other place shall become and be a place infected with foot-and-mouth disease, subject to the determination and declaration of the local authority.

(4.) The inspector shall, with all practicable speed, inform the local authority of his declaration and notice, and shall send his declaration and a copy of his notice to the local authority.

(5.) The local authority shall forthwith on receipt of that information inquire into the correctness of the inspector's declaration.

(6.) If the local authority are satisfied of the correctness of the inspector's declaration as regards the existence or past existence of disease, they shall by order determine and declare accordingly, and prescribe the limits of the place infected with foot-and-mouth disease, and may, if they think fit, include within those limits any lands or buildings adjoining or near to the cow-shed, field, or other place to which the inspector's declaration relates.

(7.) The local authority may include in a place infected with foot-and-mouth disease any adjoining part of the district of another local authority, with the previous consent in writing of that authority, but not otherwise.

(8.) If the local authority are not satisfied of the correctness of the inspector's declaration as regards the existence or past existence of disease, they shall by order determine and declare accordingly; and thereupon, as from the time specified in that behalf in their order, the cow-shed, field, or other place to which the inspector's declaration relates, shall cease to be a place infected with foot-and-mouth disease.

(9.) The local authority shall forthwith report to the Privy Council the declaration of the inspector, and the proceedings of the local authority thereon.

Declaration or extension of infected place in foot-and-mouth disease by Privy Council.

23.—(1.) The Privy Council may at any time, if they think fit, on any evidence satisfactory to them, by order declare any cow-shed, field, or other place, with or without any lands or buildings adjoining or near thereto, to be a place infected with foot-and-mouth disease.

(2.) The Privy Council may from time to time, if they think fit, by order extend the limits of a place infected with foot-and-mouth disease, declared either by the Privy Council or by a local authority.

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Rules for foot-and-mouth disease.

24. The rules set forth in the Fourth Schedule shall have effect in relation to a place infected with foot-and-mouth disease.

Declaration of freedom from foot-and-mouth disease.

25.—(1.) Where a local authority have declared a place to be infected with foot-and-mouth disease, they may, if they think fit, at any time after the expiration of fourteen days from the date of the cessation therein of that disease, or of such longer period, not exceeding twenty-eight days, thereafter, as the Privy Council from time to time by general order direct, but not sooner, declare by order that place to be free from foot-and-mouth disease.

(2.) Where the Privy Council or a local authority have declared a place to be infected with foot-and-mouth disease, the Privy Council may, if they think fit, at any time after the expiration of fourteen days from the date of the cessation therein of that disease, or of such longer period, not exceeding twenty-eight days, thereafter, as the Privy Council from time to time by general order direct, but not sooner, declare by order that place to be free from foot-and-mouth disease.

Exceptional Powers for transit and other cases.

Privy Council to provide for pleuro-pneumonia and foot-and-mouth disease during transit, and in other

26.—(1.) The Privy Council shall, as soon as may be after the passing of this Act, and thereafter from time to time, by general order make such further or other provision as they think necessary or expedient respecting the case of animals found to be affected with pleuro-pneumonia or foot-and-mouth disease—

(i.) While in transit or in course of being moved by land or by water; or

(ii.) While in a foreign animals wharf or foreign animals quarantine station; or

(iii.) While exposed for sale or exhibited in a market, fair, sale-yard, place of exhibition, or other place; or

(iv.) While placed in a lair or other place before exposure for sale; or

(v.) While being in a slaughter-house or place where animals are slaughtered or are kept with a view to slaughter; or

(vi.) While being on common or uninclosed land; or

(vii.) Generally, while being on land or in a place other than land or a place in the possession or occupation or under the control of the owner of the animals.

(2.) The Privy Council shall, by general orders under this section, from time to time make such provision as they think fit for the consequences under this Act of animals being so found, in the circumstances aforesaid, as well with regard to the animals as with regard to the places where they are when so found and other places.

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(3.) The Privy Council may from time to time, by special orders under this section relating to particular places, make such provision as they think fit for the consequences aforesaid with regard to those places.

(4.) Every such order shall have full effect notwithstanding any provision of this Act requiring the declaration of a place infected by pleuro-pneumonia or foot-and-mouth disease, or relating to any consequence thereof, or to any matter connected therewith, and notwithstanding any other provision whatsoever of this Act.

Infected Places and Districts, generally.

General provisions respecting declaration of infected places and districts.

27.—(1.) The Privy Council may, from time to time, make such general orders as they think fit, subject and according to the provisions of this Act, for prescribing the cases in which places and districts are to be declared to be infected with a disease other than cattle plague, pleuro-pneumonia, or foot-and-mouth disease, and the authority, mode, and conditions by, in, and on which declarations in that behalf are to be made, and the effect and consequences thereof, and the duration and discontinuance thereof, and other matters connected therewith.

(2.) Every place or district so declared infected, as well as a place or district declared infected with cattle plague, pleuro-pneumonia, or foot-and-mouth disease, shall be an infected place or district within this Act.

(3.) Notwithstanding anything in this Act, where the Privy Council, on inquiry, and after communication with the local authority, but without prejudice to the powers of the Privy Council as regards cattle plague, are satisfied that a declaration of a place being an infected place has been made in error respecting the existence or past existence of disease or respecting the limits of a place, or respecting any other matter of fact whereon the declaration proceeded, the Privy Council may, by order, cancel the declaration as regards the infected place, or as regards any part thereof, as they think fit.

(4.) Where, in accordance with the provisions of this Act, a place or district or a portion of a district is declared free from a disease, or a declaration of a place being an infected place is cancelled, as regards the place or as regards any part thereof, then, as from the time specified in that behalf by the Privy Council or a local authority, as the case may be, the place or district, or that portion of the district, or that part of the place, shall cease to be, or to be in, an infected place or district.

(5.) An order of the Privy Council or of a local authority declaring a place or district to be an infected place or district, or a place

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or district, or a portion of a district, to be free from disease, or cancelling a declaration, shall be conclusive evidence to all intents of the existence or past existence or cessation of the disease, or of the error, and of any other matter whereon the order proceeds.

Slaughter in Disease, and Compensation, generally.

Power for Privy Council to provide for slaughter in other diseases.

28. The Privy Council may from time to time make such orders as they think fit, subject and according to the provisions of this Act, for directing or authorizing in case of the existence of any disease other than cattle plague or pleuro-pneumonia slaughter of animals by local authorities, either generally or in particular instances, and in all or any of such cases payment of compensation for the same by local authorities out of the local rate.

General provisions relative to slaughter and compensation.

29.—(1.) The Privy Council may, notwithstanding anything in this Act, reserve for observation and treatment an animal liable to be slaughtered under this Act by order of the Privy Council or of a local authority, but subject to payment of compensation by the Privy Council or the local authority, as the case may be, as in case of actual slaughter.

(2.) Where an animal is slaughtered under this Act by order of the Privy Council or of a local authority, the carcase of the animal shall belong to the Privy Council or to the local authority, as the case may be, and shall be buried, or sold, or otherwise disposed of by them, as the condition of the animal or carcase and other circumstances may require or admit; and any money received by a local authority on any such sale shall be carried by them to the credit of the local rate.

(3.) If, in any case, the sum received by the Privy Council or a local authority on sale of a carcase under this section exceeds the amount paid for compensation to the owner of the animal slaughtered, the Privy Council or local authority, as the case may be, shall pay that excess to the owner, after deduction of reasonable expenses.

(4.) Where an animal is slaughtered under this Act by order of the Privy Council or of a local authority, the Privy Council or local authority, as the case may be, may use for the burial of the carcase any ground in the possession or occupation of the owner of the animal and suitable in that behalf, or any common or uninclosed land.

(5.) If the owner of an animal slaughtered under this Act by order of the Privy Council or of a local authority has an insurance on the animal, the amount of the compensation awarded to him under this Act may be deducted by the insurers from the amount of the money payable under the insurance before they make any payment in respect thereof.

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(6.) A local authority shall keep, as the Privy Council from time to time by general order direct, a record relative to slaughter, which record shall be admitted in evidence.

(7.) Notwithstanding anything in this Act, the Privy Council or a local authority, as the case may be, may, if they think fit, withhold compensation or other payment in respect of an animal slaughtered under this Act by their respective order, where the owner or the person having charge thereof has, in their respective judgment, been guilty, in relation to the animal, of an offence against this Act, or where the animal, being a foreign animal, was, in their respective judgment, diseased at the time of its landing.

Disease and Movement, generally.

Power for Privy Council to make orders for prevention or checking of disease, and other purposes.

30. The Privy Council may from time to time make such general or special orders as they think fit, subject and according to the provisions of this Act, for the following purposes, or any of them:

(i.) For prescribing and regulating the notice of disease, or of the illness of an animal, to be given to or by any person or authority.

(ii.) For prohibiting or regulating the movement of animals and persons into, in, or out of an infected place or district.

(iii.) For prescribing and regulating the isolation or separation of animals being in an infected place or district.

(iv.) For prohibiting or regulating the removal of carcases, fodder, litter, utensils, pens, hurdles, dung, or other things into, in, or out of an infected place or district.

(v.) For prescribing and regulating the destruction, burial, disposal, or treatment of carcases, fodder, litter, utensils, pens, hurdles, dung, or other things, being in an infected place or district, or removed thereout.

(vi.) For prescribing and regulating the cleansing and disinfecting of infected places and districts, or parts thereof.

(vii.) For prescribing and regulating the disinfecting of the clothes of persons coming in contact with or employed about diseased or suspected animals, or being in an infected place, and the use of precautions against the spreading of disease by such persons.

(viii.) For prohibiting or regulating the digging up of carcases buried.

(ix.) For prohibiting or regulating the exposure of diseased or suspected animals in markets or fairs or sale-yards, or other public or private places, where animals are commonly exposed for sale, and the placing thereof in lairs or other places adjacent to or connected with markets or fairs, or where animals are commonly placed before exposure for sale.

(x.) For prohibiting or regulating the sending or carrying of

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diseased or suspected animals, or of dung or other thing likely to spread disease, or the causing the same to be sent or carried, on railways, canals, rivers, or inland navigations, or in coasting vessels, or otherwise.

(xi.) For prohibiting or regulating the carrying, leading, or driving of diseased or suspected animals, or the causing them to be carried, led, or driven on highways or thoroughfares, or elsewhere.

(xii.) For prohibiting or regulating the placing or keeping of diseased or suspected animals on commons or uninclosed lands, or in fields or other places insufficiently fenced, or on the sides of highways.

(xiii.) For prescribing and regulating the seisure, detention, and disposal of a diseased or suspected animal exposed, carried, kept, or otherwise dealt with in contravention of an Order of Council; and for prescribing and regulating the liability of the owner or consignor or consignee of the animal to the expenses connected with the seisure, detention, and disposal thereof.

(xiv.) For prescribing the mode of ascertainment of the value of an animal slaughtered, or liable to be slaughtered, by order of the Privy Council or of a local authority.

(xv.) For regulating applications for, and the mode of payment of, compensation to be paid out of money provided by Parliament.

(xvi.) For prescribing and regulating the destruction, burial, disposal, or treatment of carcases of animals slaughtered by order of the Privy Council or of a local authority, or dying while diseased or suspected.

(xvii.) For prohibiting or regulating movement of animals, and the removal of carcases, fodder, litter, dung, and other things.

(xviii.) For prescribing and regulating the issuing and production of licences respecting movement and removal of animals and things.

(xix.) For prohibiting or regulating the holding of markets, fairs, exhibitions, and sales of animals.

(xx.) For prescribing and regulating the cleansing and disinfecting of places used for the holding of markets, fairs, exhibitions, and sales of animals, or for lairage of animals, and yards, sheds, stables, and other places used for animals.

(xxi.) For prescribing and regulating the cleansing and disinfecting of vessels, vehicles, and pens and other places, used for the carrying of animals for hire or purposes connected therewith.

(xxii.) For prescribing modes of cleansing and disinfecting.

(xxiii.) For insuring for animals carried by sea a proper supply of food and water and proper ventilation during the passage and on landing.

(xxiv.) For protecting them from unnecessary suffering during the passage and on landing.

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(xxv.) For protecting animals from unnecessary suffering during inland transit.

(xxvi.) For securing a proper supply of water and food to animals during any detention thereof.

(xxvii.) For prescribing and regulating the marking of animals.

(xxviii.) For prohibiting, absolutely or conditionally, the use, for the carrying of animals or for any purpose connected therewith, of a vessel, vehicle, or pen or other place in respect whereof, or of the use whereof, a penalty has been recovered from any person for an offence against this Act.

(xxix.) For prescribing and regulating the payment and summary recovery of expenses in respect of animals.

(xxx.) For prescribing and regulating the form and mode of service or delivery of notices and other instruments.

(xxxi.) For authorizing a local authority to make regulations for purposes of this Act or of an Order of Council, subject to such conditions, if any, as the Privy Council prescribe.

(xxxii.) For applying all or any of the provisions of this Act to horses, asses, and mules, and to glanders and farcy, and other diseases thereof.

(xxxiii.) For extending, for all or any of the purposes of this Act, the definition of animals in this Act, so that the same shall for those purposes comprise any animals, in addition to those mentioned in this Act.

(xxxiv.) For extending, for all or any of the purposes of this Act, the definition of disease in this Act, so that the same shall for those purposes comprise any disease of animals, as defined either by this Act or by Order of Council, in addition to the diseases mentioned in this Act.

(xxxv.) Generally, for the better execution of this Act, or for the purpose of in any manner preventing the introduction or spreading of disease (whether any such order is of the same kind as any kind specified or enumerated in this Act or not).

Provision of water and food at railway stations.

31.—(1.) Every railway company shall make a provision, to the satisfaction of the Privy Council, of water and food, or either of them, at such stations as the Privy Council from time to time, by general or specific description, direct, for animals carried, or about to be or having been carried, on the railway of the company.

(2.) The water and food so provided, or either of them, shall be supplied to any such animal by the company carrying it, on the request of the consignor or of any person in charge thereof.

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(3.) As regards water, if, in the case of any animal, such a request is not made, so that the animal remains without a supply of water for thirty consecutive hours, the consignor and the person in charge of the animal shall each be guilty of an offence against this Act; and it shall lie on the person charged to prove the time within which the animal had a supply of water.

(4.) But the Privy Council may from time to time, if they think fit, by order prescribe any other period, not less than twelve hours instead of the period of thirty hours aforesaid, generally, or in respect of any particular kind of animals.

(5.) The company supplying water or food under this section may make in respect thereof such reasonable charges (if any) as the Privy Council by order approve, in addition to such charges as they are for the time being authorized to make in respect of the carriage of animals. The amount of those additional charges accrued due in respect of any animal shall be a debt from the consignor and from the consignee thereof to the company, and shall be recoverable by the company from either of them by proceedings in any court of competent jurisdiction. The company shall have a lien for the amount thereof on the animal in respect whereof the same accrued due, and on any other animal at any time consigned by or to the same consignor or consignee to be carried by the company.

Dairies, Cow-sheds, and Milk-shops.

Power for Privy Council to make orders relative to dairies, cow-sheds, and milk-shops.

32. The Privy Council may from time to time make such general or special orders as they think fit, subject and according to the provisions of this Act, for the following purposes, or any of them:

(i.) For prescribing and regulating the lighting, ventilation, cleansing, drainage, and water supply of dairies and cow-sheds in the occupation of persons following the trade of cow-keepers or dairymen.

(ii.) For securing the cleanliness of milk-shops and of milk-vessels used for containing milk for sale by such persons.

(iii.) For prescribing precautions to be taken for protecting milk against infection or contamination.

(iv.) For authorizing a local authority to make regulations for the purposes aforesaid, or any of them, subject to such conditions, if any, as the Privy Council prescribe.

Foreign Animals.

ohibition of importation; slaughter or quarantine.

33.—(1.) The Privy Council may from time to time make such general or special orders as they think fit for prohibiting the landing of animals, or of any specified kind thereof, or of carcases,

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fodder, litter, dung, or other thing, brought from any specified foreign country, or any specified part thereof. A.D. 1878.

(2.) Any such order may be made at any time after the passing of this Act, but shall not take effect before the first day of January one thousand eight hundred and seventy-nine; and until that day Part III., relating to foreign animals, of the Contagious Diseases (Animals) Act, 1869, and all other provisions relating to foreign animals of that Act and of any other Act repealed by this Act, shall, notwithstanding that repeal, or any other thing in this Act, be in force as if this Act had not been passed.

(3.) On and after the first day of January one thousand eight hundred and seventy-nine, the provisions set forth in the Fifth Schedule shall apply to foreign animals, the landing whereof is not for the time being prohibited by Order of Council made under this section.

Regulation of ports.

34.—(1.) The Privy Council may from time to time make such general or special orders as they think fit, subject and according to the provisions of this Act, for the following purposes, or any of them:

(i.) For prescribing the ports at which alone foreign animals may be landed.

(ii.) For defining the limits of ports for purposes of this Act.

(iii.) For defining parts of ports.

(iv.) For prohibiting or regulating the movement of animals into, in, or out of a defined part of a port.

(v.) For prescribing and regulating the inspection and examination, and the mode, time, and conditions of slaughter, of animals in a defined part of a port.

(vi.) For prescribing and regulating the disposal of animals, not being foreign animals, and being in a defined part of a port.

(vii.) For regulating the removal of carcases, fodder, litter, utensils, dung, or other things into, in, or out of a defined part of a port, and the disposal thereof, when likely to introduce or spread disease.

(viii.) For prescribing and regulating the cleansing and disinfecting of a defined part of a port or of parts thereof.

(ix.) For prescribing and regulating the disinfecting or destruction of things being in a defined part of a port or removed thereout.

(x.) For regulating the movement of persons into, in, or out of a defined part of a port.

(xi.) For prescribing and regulating the disinfecting of the clothes of persons employed or being in a defined part of a port.

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and the use of precautions against the introduction or spreading by them of disease.

(xii.) For prescribing and regulating the seisure and detention of any foreign animal, carcase, fodder, litter, dung, or other thing whereby disease may be introduced or spread.

(xiii.) Generally, for the better execution of this Act in relation to foreign animals, carcases, fodder, litter, dung, or other things, or for the purpose of in any manner preventing the introduction or spreading thereby of disease (whether any such order is of the same kind as any kind specified or enumerated in this Act or not).

(2.) Notwithstanding anything in this Act, a defined part of a port, or any part thereof, shall not be declared to be an infected place or be made part of an infected place, otherwise than by the Privy Council.

Powers and Duties of Local Authorities.

Local authorities to be treated as incorporated.

35. A local authority, not being a body corporate, may sue and be sued, and take and hold land, and otherwise act and be dealt with for all purposes of this Act, by the name or title of the local authority under this Act for their district, as if they were incorporated.

Committees of local authorities.

36. The provisions in the Sixth Schedule shall have effect with respect to committees of local authorities.

Provision of places for landing of foreign animals.

37.—(1.) A local authority may provide, erect, and fit up wharves, stations, lairs, sheds, and other places for the landing, reception, keeping, sale, slaughter or disposal of foreign animals, carcases, fodder, litter, dung, and other things.

10 & 11 Vict. c. 14.

(2.) There shall be incorporated with this Act the Markets and Fairs Clauses Act, 1847, except sections six to nine and fifty-one to sixty thereof, all inclusive.

(3.) A wharf or other place provided by a local authority under this section shall be a market within that Act; and this Act shall be the special Act; and the prescribed limits shall be the limits of lands acquired or appropriated for purposes of this section; and byelaws shall be approved by the Privy Council, which approval shall be sufficient without any other approval or allowance, notice of application for approval being given, and proposed byelaws being published before application, as required by the Markets and Fairs Clauses Act, 1847.

(4.) A local authority may charge for the use of a wharf or other place provided by them under this section such sums as byelaws

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from time to time appoint, and the same shall be deemed tolls authorized by the special Act.

(5.) All sums so received by the local authority shall be carried to a separate account, and shall be applied in payment of interest on money borrowed by them for purposes of Part III., relating to foreign animals, of the Contagious Diseases (Animals) Act, 1869, or of this section, and in repayment of the principal thereof, and, subject thereto, towards discharge of their expenses under this Act.

Power for local authority to acquire land.

38.—(1.) A local authority may purchase, or may by agreement take on lease or at a rent, land for wharves or other places, or for use for burial of carcases in cases where there is not any ground suitable in that behalf in the possession or occupation of the owner of the animal, or any common or uninclosed land suitable in that behalf, or for any other purpose of this Act.

(2.) They may (subject to any agreement) dispose of lands so acquired, but not required for this Act, carrying the money produced thereby to the credit of the local rate.

(3.) The regulations contained in section one hundred and seventy-six of the Public Health Act, 1875, shall be observed with respect to the purchase of land by a local authority for purposes of this Act, as if the local authority were a local board, and purposes of this Act were purposes of that Act; save that the requisite advertisements and notices may be published and served in any two consecutive months, and that the local rate be substituted for the rates therein mentioned.

38 & 39 Vict. c. 55.

(4.) The powers conferred by this section may be exercised by a local authority with respect to land within or without their district.

Duties of local authorities, and enforcement thereof.

39.—(1.) Every local authority shall execute and enforce this Act and every Order of Council, as far as the same are to be executed or enforced by local authorities.

(2.) Where a local authority fail to execute or enforce any of the provisions of this Act, or of an Order of Council, the Privy Council may by order empower a person therein named to execute and enforce those provisions, or to procure the execution and enforcement thereof.

(3.) The expenses incurred thereby by or on behalf of the Privy Council shall be expenses of the local authority, and the amount thereof shall be paid to the Privy Council, on demand, by the treasurer or other proper officer of the local authority; and in default of payment the same shall be recoverable from the local authority

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with costs, by a person appointed by the Privy Council to sue in that behalf.

(4.) For the purposes of this section an order of the Privy Council shall be conclusive in respect of any default, amount of expenses, or other matter therein stated or appearing.

(5.) The provisions of this section shall be without prejudice to the right or power of the Privy Council, or any other authority or any person, to take any other proceedings for requiring a local authority to execute or enforce any of the provisions of this Act, or of an Order of Council.

Inspectors and other officers of local authority.

40.—(1.) Every local authority shall from time to time appoint so many inspectors and other officers as they think necessary for the execution and enforcement of this Act, and shall assign to those inspectors and officers such duties, and salaries, or allowances, and may delegate to any of them such authorities and discretion, as to the local authority seem fit, and may at any time revoke any appointment so made.

(2.) Every local authority shall keep appointed at all times at least one veterinary inspector, and shall appoint and at all times keep appointed so many other veterinary inspectors as the Privy Council, having regard to the extent and circumstances of the district of the local authority, from time to time direct.

(3.) The Privy Council, on being satisfied on inquiry that an inspector of a local authority is incompetent, or has been guilty of misconduct or neglect, may, if they think fit, direct his removal, and thereupon he shall cease to be an inspector.

Reports to Privy Council.

41. Every local authority and their inspectors and officers shall send and give to the Privy Council such notices, reports, returns, and information as the Privy Council from time to time require.

Orders and regulations of local authorities.

42.—(1.) An order or regulation of a local authority may be proved—

(i.) By the production of a newspaper purporting to contain the order or regulation as an advertisement; or

(ii.) By the production of a copy of the order or regulation purporting to be certified by the clerk of the local authority as a true copy.

(2.) An order or regulation so proved shall be taken to have been duly made, unless and until the contrary is proved.

(3.) An order or regulation of a local authority authorized by this Act or by Order of Council shall alone be deemed for purposes of this Act an order or regulation of a local authority.

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43. The provisions of this Act conferring powers on, or otherwise relating to, a local authority, or their inspectors or officers, shall, unless otherwise expressed, be read as having reference to the district of the local authority; and powers thereby conferred shall, unless it is otherwise expressed, be exerciseable and shall operate within and in relation to that district only.

Powers of local authorities to be for their district.

Expenses of Local Authorities.

CLAUSE A. Expenses out of local rate.

The expenses of a local authority shall be defrayed out of the local rate; and such sums as may be necessary to defray those expenses shall from time to time be levied with and as part of the local rate.

CLAUSE B. Relief of boroughs from contribution to county expenses.

(1.) The local authority of a borough assessed to the county rate of a county shall be paid back by the local authority of the county the proportionate amount paid by the borough towards the expenses under this Act of the local authority of the county.

(2.) The local authority of a borough having a separate court of quarter sessions shall be exempt from contributing towards the expenses under this Act of the local authority of the county within which the borough is situate; and the treasurer of the county shall, out of the account required by the Municipal Corporation Act, 1835, to be kept by him of money expended out of the county rate for other purposes than those in that Act mentioned, exclude the expenses under this Act of the local authority of the county; and the amount to be paid to the treasurer of the county by the borough shall be varied accordingly.

6 & 7 Will. 4. c. 76.

CLAUSE C. Outstanding rates.

The existence of an order or precept for the making or collection under any former Act of a rate remaining uncollected wholly or in part at the commencement of this Act shall not affect the validity of any rate thereafter made.

Borrowing by Local Authorities.

CLAUSE D. Power for local authority to borrow.

(1.) Where the amount or proportion of the local rate levied or required for this Act exceeds or would exceed in any financial year sixpence in the pound, a local authority may borrow at interest on the credit of the local rate any money necessary under this Act, and may secure the repayment thereof with interest by mortgaging the local rate for any term not exceeding seven years.

(2.) Where the amount or proportion aforesaid exceeds or would exceed in any financial year ninepence in the pound, the Local Government Board may, if they think fit, on application of the local authority, extend the term to fourteen years or less.

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38 & 39 Vict. c. 83.

(3.) A local authority, borrowing for the purposes of this section, shall borrow subject to the provisions of the Local Loans Act, 1875; and every loan raised under this section shall be discharged in manner prescribed by section thirteen of that Act, for which purpose a sinking fund is hereby prescribed, if in any case the Local Government Board so direct, but not otherwise.

(4.) The Public Works Loan Commissioners may, on the recommendation of the Local Government Board, advance money to a local authority in manner provided by the Public Works Loans Act, 1875, and any enactment amending or substituted for that Act, the same to be repaid, with interest, within the term aforesaid, and the local authority may so borrow accordingly.

(5.) A local authority, borrowing for purposes of the provisions of this Act relating to foreign animals, may, if they think fit, give as security, either with the local rate, if any, or separately therefrom, the charges which they are authorized to make for the use of a wharf or other place provided by them under this Act, and any estates, revenues, or funds belonging to them and not otherwise appropriated by law; and in that case the limitations in this section respecting the amount or proportion of rate and term of years shall not operate.

Police.

Duties and authorities of constables.

44.—(1.) The police of each county, borough, town, and place shall execute and enforce this Act and every Order of Council.

(2.) Where a person is seen or found committing, or is reasonably suspected of being engaged in committing, an offence against this Act, a constable may, without warrant, stop and detain him; and, if his name and address are not known to the constable, and he fails to give them to the satisfaction of the constable, the constable may, without warrant, apprehend him; and the constable may, whether so stopping or detaining or apprehending the person or not, stop, detain, and examine an animal, vehicle, boat, or thing to which the offence or suspected offence relates, and require the same to be forthwith taken back to or into any place or district wherefrom or whereout it was unlawfully removed, and execute and enforce that requisition.

(3.) If any person obstructs or impedes a constable or other officer in the execution of this Act or of an Order of Council or of a regulation of a local authority, or assists in any such obstructing or impeding, the constable or officer may without warrant apprehend the offender.

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(4.) A person apprehended under this section shall be taken with all practicable speed before a justice, and shall not be detained without a warrant longer than is necessary for that purpose or than twenty-four hours at most.

(5.) The foregoing provisions of this section respecting a constable extend and apply to any person called by a constable to his assistance.

(6.) A constable shall forthwith make a report in writing to his superior officer of every case in which he stops any person, animal, vehicle, boat, or thing under this section, and of his proceedings consequent thereon.

(7.) Nothing in this section shall take away or abridge any power or authority that a constable would have had if this section had not been enacted.

General.

General powers of inspectors.

45.—(1.) An inspector shall have, for purposes of this Act, all powers which a constable has under this Act or otherwise in the place where the inspector is acting.

(2.) An inspector may at any time enter any land, or dairy or cow-shed to which this Act applies, or milkshop, or other building or place wherein he has reasonable grounds for supposing—

(*a.*) That disease exists or has within twenty-eight days existed; or

(*b.*) That the carcase of a diseased or suspected animal is or has been kept, or has been buried, destroyed, or otherwise disposed of; or

(*c.*) That there is to be found any pen, place, vehicle, or thing in respect whereof any person has on any occasion failed to comply with the provisions of this Act, or of an Order of Council, or of a regulation of a local authority; or

(*d.*) That this Act or an Order of Council or a regulation of a local authority has not been or is not being complied with.

(3.) An inspector may at any time enter any pen, vehicle, vessel, or boat in which or in respect whereof he has reasonable grounds for supposing that this Act or an Order of Council or a regulation of a local authority has not been or is not being complied with.

(4.) An inspector entering, as in this section authorized, shall, if required by the owner, or occupier, or person in charge of the land, building, place, pen, vehicle, vessel, or boat, state in writing his reasons for entering.

(5.) A certificate of a veterinary inspector to the effect that an animal is or was affected with a disease therein specified shall for

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purposes of this Act be admitted in evidence and be taken to be true and correct unless and until the contrary is proved.

(6.) An inspector of the Privy Council shall have all the powers of an inspector throughout England or that part thereof for which he is appointed.

Power for detention of vessels.

46.—(1.) Where an inspector of the Privy Council is satisfied that this Act or an Order of Council or a regulation of a local authority has not been or is not being complied with on board a vessel in a port, then, on the representation in writing to that effect of the inspector, stating particulars of non-compliance, the vessel may be detained until the Privy Council otherwise direct.

(2.) The officer detaining the vessel shall forthwith deliver to the master or person in charge of the vessel a copy of the representation.

39 & 40 Vict. c. 80.

(3.) Section thirty-four of the Merchant Shipping Act, 1876, shall apply in the case of such detention, as if it were effected under an Act in that section mentioned.

Expenses of burial of carcases washed ashore.

47. Where a carcase washed ashore is buried or destroyed under the direction of a receiver of wreck, with authority from the Board of Trade, the expenses thereof shall be expenses of the local authority, and shall be paid by them to the receiver on demand, and in default of payment shall be recoverable with costs from them by the receiver.

Power to exclude strangers by notice.

48. A person owning or having charge of animals in a place or district declared infected with any disease may affix, at or near the entrance to a building or inclosure in which the animals are, a notice forbidding persons to enter therein without the permission mentioned in the notice; and thereupon it shall not be lawful for any person, not having by law a right of entry or way into, on, or over that building or inclosure, to enter or go into, on, or over the same without that permission.

Provisions for protection of local authority and persons acting under Act.

49.—(1.) An action, prosecution, or proceeding against a local authority, or an inspector or officer of the Privy Council or of a local authority, or any person, for any act done in pursuance or execution or intended execution of this Act, or of an Order of Council, or regulation of a local authority, or in respect of any alleged neglect or default in the execution of this Act, or of such an order or regulation, shall not lie or be instituted unless it is commenced within four months next after the act, neglect, or default complained of, or, in case of a continuance of injury or damage, within four months next after the ceasing thereof.

(2.) In any such action tender of amends before the action was commenced may, in lieu of or in addition to any other plea, be

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pleaded. If the action was commenced after such tender, or is proceeded with after payment into court of any money in satisfaction of the plaintiff's claim, and the plaintiff does not recover more than the sum tendered or paid, he shall not recover any costs incurred after such tender or payment, and the defendants shall be entitled to costs, to be taxed as between solicitor and client, as from the time of such tender or payment; but this provision shall not affect costs on any injunction in the action.

(3.) Subject and without prejudice to any other powers, a local authority, where the defendant in any such action, prosecution, or other proceeding is their officer, servant, or agent, may, if they think fit, except so far as the court before whom such action, prosecution, or other proceeding is heard and determined otherwise direct, pay as part of their expenses in the execution of this Act all or any part of any sums payable by such defendant in or in consequence of such action, prosecution, or proceeding, whether in respect of costs, charges, expenses, damages, fine, or otherwise.

CLAUSE E. No stamp duty or fees.

No stamp duty shall be payable on, and no fee or other charge shall be demanded or made for, any appointment, certificate, declaration, licence, or thing under this Act or an Order of Council or a regulation of a local authority, or for any inspection or other act precedent to the granting, making, or doing of a certificate, declaration, licence, or other thing.

Evidence and form and service of instruments.

50.—(1.) In any proceeding under this Act, no proof shall be required of the appointment or handwriting of an inspector or other officer of the Privy Council, or of the clerk or an inspector or other officer of a local authority.

(2.) Every notice or other instrument under this Act or under an Order of Council or regulation of a local authority may be in writing or print, or partly in writing and partly in print.

(3.) Any such notice or other instrument may be served on the person to be affected thereby, either by the delivery thereof to him personally, or by the leaving thereof for him at his last known place of abode or business, or by the sending thereof through the post in a registered letter addressed to him there.

(4.) A notice or other instrument so sent by post shall be deemed to have been served at the time when the letter containing it would be delivered in the ordinary course.

(5.) In order to prove service by letter of a notice or other instrument, it shall be sufficient to prove that the letter was properly addressed, registered, and posted, and contained the notice or other instrument to be served.

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(6.) A notice or other instrument to be served on the occupier of any building, land, or place may, except when sent by post, be addressed to him by the designation of the occupier of that building, land, or place, without naming or further describing him; and where it is to be served on the several occupiers of several buildings, lands, or places, may, except when sent by post, be addressed to them collectively by the designation of the occupiers of those several buildings, lands, or places, without further naming or describing them, but separate copies thereof being served on them severally.

Provisions respecting Orders of Council.

51.—(1.) The Privy Council may from time to time alter or revoke any Order of Council.

(2.) Every Order of Council shall have effect as if it had been enacted by this Act.

(3.) Every Order of Council shall be published in the London Gazette; save that where an order affects only a particular local authority, person, port, town, district, place, vessel, or thing, or is a licence or revocation of a licence, or in the nature thereof, or is an appointment or removal of an inspector or other officer, then the insertion in the London Gazette of a notice of the making of the order shall suffice; and a copy of the London Gazette containing such a notice shall be evidence of the order, as if the notice were the order.

(4.) Every Order of Council, licence, or other instrument, issued by the Privy Council, shall be published by and at the expense of every local authority to whom it is sent by the Privy Council for publication, in such manner as the Privy Council direct, and, subject to and in the absence of any direction, by advertisement in a newspaper circulating in the district of the local authority.

(5.) The validity or effect of an Order of Council, licence, or other instrument issued by the Privy Council shall not be affected by want of or defect or irregularity in any publication thereof.

(6.) Any act of the Privy Council under this Act, done otherwise than by Order of Council, shall be sufficiently done and signified by an instrument signed by the Clerk of the Council; and every act done and signified by an instrument purporting to be so signed shall be deemed to have been duly done by the Privy Council; and every such instrument shall be received in evidence in all courts and proceedings without proof of the authority or signature of the Clerk of the Council or other proof.

Yearly return to be laid before Houses of Parliament.

52. A return shall be made and laid before both Houses of Parliament not later than the thirty-first day of March in each year, setting forth every Order of Council required to be published in the London Gazette and in force; and stating the proceedings

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and expenditure under this Act of the Privy Council, and, as far as reasonably may be, of local authorities, in the year ending the thirty-first day of December then last; and shewing the number of foreign animals landed and found diseased in that year, specifying the disease and the ports of exportation and landing, and the mode of disposal of the animals; and containing such other information respecting the operation of this Act as the Privy Council think fit.

Offences and Proceedings.

Fines for offences.

53. If any person is guilty of an offence against this Act, he shall for every such offence be liable—

(i.) To a penalty not exceeding twenty pounds; or

(ii.) If the offence is committed with respect to more than four animals, to a penalty not exceeding five pounds for each animal; or

(iii.) Where the offence is committed in relation to carcases, fodder, litter, dung, or other thing (exclusive of animals), to a penalty not exceeding ten pounds in respect of every half ton in weight thereof after one half ton, in addition to the first penalty of not exceeding twenty pounds.

General offences.

54. If any person does any of the following things he shall be guilty of an offence against this Act:

(i.) If he does anything in contravention of this Act or of an Order of Council or of a regulation of a local authority:

(ii.) If, without lawful excuse, proof whereof shall lie on him, he fails to give, produce, observe, or do any notice, licence, rule, or thing which by this Act or by an Order of Council or by a regulation of a local authority, he is required to give, produce, observe, or do:

(iii.) If, without lawful excuse, proof whereof shall lie on him, he does anything which by this Act or an Order of Council is made or declared to be not lawful:

(iv.) If he does or omits anything, the doing or omission whereof is declared by this Act or by an Order of Council to be an offence by him against this Act:

(v.) If he refuses to an inspector or other officer, acting in execution of this Act or of an Order of Council or of a regulation of a local authority, admission to any land, building, place, vessel, pen, vehicle, or boat which the inspector or officer is entitled to enter or examine, or obstructs or impedes him in so entering or examining, or otherwise in any respect obstructs or impedes an inspector or constable or other officer in the execution of his duty, or assists in any such obstructing or impeding:

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(vi.) If he throws or places, or causes or suffers to be thrown or placed, into or in any river, stream, canal, navigation, or other water, or into or in the sea within three miles of the shore, the carcase of an animal which has died of disease, or been slaughtered as diseased or suspected, unless he shews to the satisfaction of the court of summary jurisdiction before which he is charged that he did not know that the animal had so died or been slaughtered, and that he could not with reasonable diligence have obtained knowledge thereof.

Imprisonment instead of fine for use of expired licences, digging up of carcases, and other specified offences.

55.—(1.) If any person does any of the following things, he shall be guilty of an offence against this Act:

(i.) If he does anything for which a licence is requisite under this Act or an Order of Council, or a regulation of a local authority, without having obtained a licence:

(ii.) If, where such a licence is requisite, having obtained a licence he does the thing licensed after the licence has expired:

(iii.) If he uses or offers or attempts to use as such a licence an instrument not being a complete licence, or an instrument untruly purporting or appearing to be a licence, unless he shews to the satisfaction of the court of summary jurisdiction before which he is charged that he did not know of that incompleteness or untruth, and that he could not with reasonable diligence have obtained knowledge thereof:

(iv.) If, with intent to unlawfully evade this Act or an Order of Council, or a regulation of a local authority, he alters, or falsely makes, or ante-dates, or counterfeits, or offers or utters, knowing the same to be altered, or falsely made, or ante-dated, or counterfeited, a licence, declaration, certificate, or instrument made or issued, or purporting to be made or issued, under or for any purpose of this Act or an Order of Council, or a regulation of a local authority:

(v.) If, for the purpose of obtaining such a licence, certificate, or instrument, he makes a declaration or statement false in any material particular, unless he shews to the satisfaction of the court of summary jurisdiction before which he is charged that he did not know of that falsity, and that he could not with reasonable diligence have obtained knowledge thereof:

(vi.) If he obtains or endeavours to obtain such a licence, certificate, or instrument by means of a false pretence, unless he shews to the satisfaction of the court of summary jurisdiction before which he is charged that he did not know of that falsity, and that he could not with reasonable diligence have obtained knowledge thereof:

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(vii.) If he grants or issues such a licence, certificate, or instrument, being false in any date or other material particular, unless he shews to the satisfaction of the court of summary jurisdiction before which he is charged that he did not know of that falsity, and that he could not with reasonable diligence have obtained knowledge thereof, or grants or issues such a licence, certificate, or instrument, having, and knowing that he has, no lawful authority to grant or issue the same:

(viii.) If he grants or issues an instrument being in form a licence, certificate, or instrument made or issued under this Act, or an Order of Council, or a regulation of a local authority, for permitting or regulating the movement of a particular animal, or the doing of any other particular thing, but being issued in blank, that is to say, not being before the issue thereof so filled up as to specify any particular animal or thing:

(ix.) If he uses or offers or attempts to use for any purpose of this Act, or of an Order of Council, or of a regulation of a local authority, an instrument so issued in blank, unless he shews to the satisfaction of the court of summary jurisdiction before which he is charged that he did not know of it having been so issued in blank, and that he could not with reasonable diligence have obtained knowledge thereof:

(x.) If he by means of any fraud or false pretence obtains, or attempts to obtain, compensation from the Privy Council or a local authority in respect of an animal slaughtered under this Act, or aids or abets any person in any such fraud or false pretence:

(xi.) If, without lawful authority or excuse, proof whereof shall lie on him, he digs up, or causes to be dug up, a carcase buried under the direction of the Privy Council or of a local authority or of a receiver of wreck:

(xii.) If, where an Order of Council has prohibited, absolutely or conditionally, the use for the carrying of animals, or for any purpose connected therewith, of a vessel, vehicle, or pen or other place, he does anything so prohibited.

(2.) And in every case in this section specified he shall be liable, on conviction, in the discretion of the court of summary jurisdiction before which he is convicted, to be imprisoned for any term not exceeding three months, with or without hard labour, in lieu of the pecuniary penalty to which he is liable under this Act.

Proceedings in court of summary jurisdiction.

56. Proceedings and penalties for offences against this Act may be taken and recovered, and expenses and other money by this Act or an Order of Council made recoverable summarily may be re-

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covered with costs, and summary orders under this Act or an Order of Council may be made with costs, by or before a court of summary jurisdiction, under and according to the Act of the session of the eleventh and twelfth years of Her Majesty's reign (chapter forty-three), "to facilitate the performance of the duties of justices of "the peace out of sessions within England and Wales with respect "to summary convictions and orders," and any Act amending the same; but nothing in this section shall apply to proceedings under the Customs Acts.

11 & 12 Vict. c. 43.

Appeal.

57.—(1.) If any person thinks himself aggrieved by the dismissal of a complaint by, or by any determination or adjudication of, a court of summary jurisdiction under this Act, he may appeal therefrom.

(2.) The appeal shall be made to the next practicable court of general or quarter sessions for the county or place in which the cause of appeal arises, holden not less than twenty-one days after the decision appealed from.

(3.) The appellant shall, within ten days after the decision, give notice to the clerk of the court whose decision is appealed from of his intention to appeal, and of the grounds thereof, and to the other party.

(4.) The appellant shall within three days after such notice enter into a recognisance before a justice, with two sufficient sureties, conditioned personally to try the appeal, and to abide the judgment of the court of appeal thereon, and to pay such costs as the court award.

(5.) The court may adjourn the appeal, and may make such order thereon as they think just.

(6.) Nothing in this section shall affect any enactment relative to appeals in cases of summary convictions or adjudications in the city of London or the metropolitan police district, or apply to proceedings under the Customs Acts.

Proceedings under Customs Acts for unlawful landing or shipping.

58.—(1.) If any person lands or ships or attempts to land or ship an animal or thing in contravention of this Act or of an Order of Council, he shall be liable, under and according to the Customs Acts, to the penalties imposed on persons importing or exporting or attempting to import or export goods the importation or exportation whereof is prohibited by or under the Customs Acts, without prejudice to any proceeding against him under this Act for an offence against this Act, but so that he be not punished twice for the same offence.

(2.) The animal or thing in respect whereof the offence is committed shall be forfeited, under and according to the Customs

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Acts, as goods the importation or exportation whereof is prohibited by or under the Customs Acts are liable to be forfeited.

General provision as to procedure.

59.—(1.) The description of an offence against this Act in the words of this Act, or of the Order of Council or regulation of a local authority under which the offence arises, or in similar words, shall be sufficient in law.

(2.) Any exception, exemption, excuse, or qualification, whether it does or not accompany the description of the offence in this Act, or in the Order of Council or regulation of a local authority under which the offence arises, may be proved by the defendant, but need not be specified or negatived in the information; and, if it is so specified or negatived, proof in relation to the matter so specified or negatived shall not be required on the part of the informant.

(3.) A warrant of commitment under this Act shall not be held void by reason of any defect therein, if only there is a valid conviction to sustain the warrant, and it is alleged in the warrant that the person named therein has been convicted.

(4.) Where the owner or person in charge of an animal is charged with an offence against this Act relative to disease or to any illness of the animal, he shall be presumed to have known of the existence of the disease or illness, unless and until he shews to the satisfaction of the court of summary jurisdiction before which he is charged that he had not knowledge thereof, and could not with reasonable diligence have obtained that knowledge.

(5.) Where a person is charged with an offence against this Act in not having duly cleansed or disinfected any place, vessel, vehicle, or thing belonging to him or under his charge, and a presumption against him on the part of the prosecution is raised, it shall lie on him to prove the due cleansing and disinfecting thereof.

(6.) A person charged with an offence against this Act may, if he thinks fit, tender himself to be examined on his own behalf, and thereupon he may give evidence in the same manner and with the like effect and consequences as any other witness.

(7.) Every offence against this Act shall be deemed to have been committed, and every cause of complaint or matter for summary proceeding under this Act or an Order of Council or regulation of a local authority shall be deemed to have arisen, either in any place where the same actually was committed or arose, or in any place where the person charged or complained of or proceeded

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against happens to be at the time of the institution or commencement of the charge, complaint, or proceeding.

(8.) Notwithstanding anything in any Act relating to the metropolitan police or to municipal corporations or in any other Act, such part not exceeding one half of every penalty or forfeiture recovered under this Act (except in proceedings under the Customs Acts) as the court of summary jurisdiction before which it is recovered thinks fit, shall be paid to the person who proceeds for the same, and the residue thereof shall be applied as if this section had not been enacted.

Part III.—Scotland.

60.—(1.) Part III. applies to Scotland only.

Application of Parts II. and III. to Scotland.

(2.) Part II. shall also, by virtue of this section, extend to Scotland, subject to Part III., which shall have effect in substitution for Part II., when so expressed or implied, and otherwise shall have effect in addition to Part II.

Local Authorities.

Local authorities in schedule.

61. For the purposes of this Part the respective districts, authorities, rates, and officers described in the Seventh Schedule shall be the district, the local authority, the local rate, and the clerk of the local authority.

Appointment of local authority in counties.

62.—(1.) The commissioners of supply in every county shall meet and nominate not fewer than four or more than fifteen of their number to act on the county board for the purposes of this Act, and shall intimate to the lord lieutenant of the county and the convener of the county the number and names of the persons so appointed.

(2.) The clerk of supply in each county shall call a meeting of the occupiers of agricultural subjects in the county valued in the valuation roll in force for the time at one hundred pounds and upwards, and of occupiers of such subjects of which they are owners valued in the valuation roll at fifty pounds and under one hundred pounds. The meeting shall be called by advertisement in one or more newspapers circulating in the county for the same day as, or for a day not later than eight days after, the meeting of the commissioners of supply. The advertisement shall specify the time and place of such meeting, and the clerk of supply shall be clerk to such meeting. The meeting shall nominate from among such occupiers

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and owners and occupiers a number of persons equal to those nominated by the commissioners of supply, and the meeting shall also name a convener, who shall intimate the names of the persons so nominated to the convener of the county, and shall have power to call similar meetings by such advertisement when occasion shall require. In the event of such election not being intimated to the convener of the county within fifteen days from the date of such meeting, it shall be lawful to the lord lieutenant to nominate from among such occupiers, or owners and occupiers, such number of persons, and intimate the same to the convener of the county.

(3.) Any such nomination and intimation made for the purposes of the Contagious Diseases (Animals) Act, 1869, shall continue to have effect for the purposes of this Act. 32 & 33 Vict. c. 70.

(4.) A local authority may, if they think fit, determine that a certain number of their members, not exceeding one third thereof, shall retire periodically, at intervals of not less than three years, the members so retiring being re-eligible; and the local authority may lay down such rules as they think fit to regulate the time and manner of such retirement.

(5.) Vacancies from time to time happening by retirement, death, resignation, or otherwise among the members of the local authority shall be filled up by the authority and in the manner by and in which the members vacating office were respectively nominated.

(6.) The persons nominated as in this section provided, and the lord lieutenant of the county, the convener of the county, and the sheriff of the county (or in his absence such one of his substitutes as he directs by writing under his hand) for the time being shall constitute the local authority.

(7.) As far as not otherwise provided by this Act, such local authority shall have all the powers conferred on the local authority by this Act, and shall have power to elect a chairman, specify a quorum, and make all regulations necessary for carrying the purposes of this Act into effect.

(8.) The chairman of the local authority, and in default of him the convener of the county, and in default of him any three members of the local authority, may at any time call a meeting of the local authority to be held at such time and place as he or they may fix, and the local authority may adjourn as they from time to time think fit.

CLAUSE F.
Levy and recovery of assessments.

(1.) The local authority in a county shall from time to time give notice to the commissioners of supply of the sums necessary to be provided under the provisions of this Act by means

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of the local rate; and the amount so intimated shall be assessed and collected by the commissioners of supply according to the real rent of lands and heritages as appearing on the valuation roll in force for the year, and shall be paid over to the local authority.

(2.) The local authority in a burgh shall in like manner assess and collect the amount required to be raised by local rate within such burgh.

(3.) All such assessments shall be payable one half by the proprietor and one half by the tenant, but may be collected wholly from the tenant, who shall in that case be entitled to deduct one half thereof from the rent payable by him to the proprietor, or wholly from the proprietor, who shall in that case be entitled to relief against the tenant for one half of the assessment.

20 & 21 Vict. c. 72.

(4.) All the provisions in regard to the recovery of assessments in the Act of the session of the twentieth and twenty-first years of Her Majesty (chapter seventy-two), "to render more effectual the police in counties and burghs in Scotland," are hereby incorporated in this Part as far as the same are not inconsistent with the provisions of this Part.

Land.

CLAUSE G. Purchase of land.

The provisions of Part II. relating to the purchase of land shall have effect as if section ninety of the Public Health (Scotland) Act, 1867, were thereby applied, instead of section one hundred and seventy-six of the Public Health Act, 1875; and in the said section ninety the local authority and local rate under this Part shall be substituted for the local authority and the assessment therein mentioned.

30 & 31 Vict. c. 101.

Borrowing.

CLAUSE H. Provisions as to borrowing by local authority.

The provisions of Part II. relating to borrowing by local authorities shall, as regards Scotland, be modified as follows:

(i.) Those provisions shall have reference to the amount only of the local rate, and not to the proportion thereof.

(ii.) One of Her Majesty's Principal Secretaries of State shall be substituted for the Local Government Board.

(iii.) Borrowing by a local authority shall not be subject to the provisions of the Local Loans Act, 1875; and in lieu thereof the provisions of the Commissioners Clauses Act, 1847, with respect to the mortgages to be executed by the Commissioners, shall, for the purposes of that borrowing, be incorporated with this Act, the local authority being deemed to be the commissioners; and any

10 & 11 Vict. c. 16.

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mortgagee or assignee may enforce payment of his principal and interest by appointment of a judicial factor. A.D. 1878.

Inspectors.

Powers and qualifications of inspectors.

63.—(1.) An inspector of the Privy Council shall have all the powers of an inspector throughout Scotland or that part thereof for which he is appointed.

(2.) Any person may be appointed and be a Veterinary Inspector in Scotland who holds the Veterinary certificate of the Highland and Agricultural Society of Scotland.

Legal Proceedings.

Recovery and application of penalties, and other matters.

64.—(1.) Penalties for offences against this Act, other than penalties recoverable under the Customs Acts, and expenses by this Act or an Order of Council directed to be recovered summarily, and summary orders under this Act or an Order of Council, may, with expenses, be recovered before, and be made by, two justices under the Summary Procedure Act, 1864, and any Act amending the same. 27 & 28 Vict. c. 53.

(2.) The terms "justice" and "justices" include any magistrate having jurisdiction under the Summary Procedure Act, 1864.

(3.) In the event of any person refusing or delaying to comply with the order of a local authority, the local authority may give information thereof to the procurator-fiscal of the county or burgh, who may apply to the sheriff for a warrant to carry such order into effect, and such warrant may be executed by the officers of court in common form.

(4.) All judicial powers given to justices and quarter sessions or to magistrates in boroughs by this Act may also be exercised by the sheriff or sheriff-substitute of the county.

(5.) An appeal against a conviction under this Act shall be to the Court of Justiciary at the next circuit court, or where there are no circuit courts, to the High Court of Justiciary at Edinburgh, and not otherwise; and such appeal may be made in the manner and under the rules, limitations, and conditions contained in the Act of the twentieth year of the reign of King George the Second, chapter forty-three, "for taking away and abolishing heritable "jurisdictions in Scotland," or as near thereto as circumstances admit; with this variation, that the appellant shall find caution to pay the fine and expenses awarded against him by the conviction or order appealed from, together with any additional expenses awarded by the court dismissing the appeal. 20 Geo. 2. c. 43.

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(6.) Notwithstanding anything in this or any other Act, the part of every penalty or forfeiture recovered under this Act, except in proceedings under the Customs Acts, which is not in this Act directed to be paid to the person who sues or proceeds for the same, shall be paid as follows:

(*a.*) To the Queen's and Lord Treasurer's Remembrancer, on behalf of Her Majesty, when the court is the sheriff court:

(*b.*) To the collector of county rates, in aid of the county general assessment, when the court is the justice of the peace court:

(*c.*) To the treasurer of the burgh, in aid of the funds of the burgh, when the court is a burgh court:

(*d.*) To the treasurer of the board of police, or commissioners of police, in aid of the police funds, when the court is a police court.

(7.) "Plaintiff" means pursuer, and "defendant" means defender.

(8.) The provisions in Part II. relating to tender and payment into court do not apply to Scotland.

PART IV.—IRELAND.

Application of Parts II. and IV. to Ireland.

65.—(1.) Part IV. applies to Ireland.

(2.) Part II. shall also, by virtue of this section, extend to Ireland, subject to Part IV., which shall have effect in substitution for Part II., when so expressed or implied, and otherwise shall have effect in addition to Part II.

Interpretation in Part IV.

66. In Part IV.—

(i.) "Lord Lieutenant" means the Lord Lieutenant or other chief governor or governors of Ireland for the time being:

(ii.) "Chief Secretary" means the Chief Secretary for the time being to the Lord Lieutenant; and any power under this Part vested in the Chief Secretary, except as a Privy Councillor, may in his absence be exercised by the Under Secretary for the time being to the Lord Lieutenant:

(iii.) "Net annual value of property" means the net annual value of property rateable to the relief of the poor according to the valuation in force for the time being:

(iv.) "Union funds" means any money in the hands of the treasurer of a poor law union to the credit of the guardians of the union, and if at any time the assets in the treasurer's hands are not sufficient for any purpose of this Part, then union funds shall be taken to include the moneys next received by the treasurer and placed to the credit of the guardians.

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Lord Lieutenant and Privy Council. A.D. 1878.

Powers of Lord Lieutenant and Privy Council.

67.—(1.) The powers by Part II. conferred on the Privy Council shall be vested in the Lord Lieutenant acting by the advice of Her Majesty's Privy Council in Ireland, in this Act referred to as the Lord Lieutenant and Privy Council.

(2.) The powers exerciseable under Part II. by the Lord President of the Council, or one of Her Majesty's Principal Secretaries of State, may, in Ireland, be exercised by the Lord Lieutenant, or by the Chief Secretary as a Privy Councillor.

(3.) An order of the Lord Lieutenant and Privy Council under this Part is referred to therein as an Order in Council.

(4.) Subject to the provisions of this Part, the provisions of Part II. relating to the Privy Council, and to Orders of Council, shall apply to the Lord Lieutenant and Privy Council, and to Orders in Council.

Communication of orders from and to Ireland.

68. With a view to uniformity of action, every Order in Council and every Order of Council made under this Act shall, with all practicable speed, be communicated to the Privy Council, or to the Lord Lieutenant and Privy Council, as the case may be.

Local Authorities.

Constitution of local authorities; lands and borrowing.

69.—(1.) The local authorities shall be the boards of guardians of the several poor law unions.

(2.) The provisions of Part II. relating to the purchase of land by local authorities shall have effect as if instead of section one hundred and seventy-six of the Public Health Act, 1875, there were thereby applied sections four to nine inclusive of the Local Government (Ireland) Act, 1871, as amended by the Local Government Board (Ireland) Act, 1872, and by section thirty of the Public Health (Ireland) Act, 1874; and as if the local authority were a rural sanitary authority, and purposes of this Act were purposes for which a rural sanitary authority may acquire land.

34 & 35 Vict. c. 109. 35 & 36 Vict. c. 69. 37 & 38 Vict. c. 93.

(3.) The provisions of Part II. relating to borrowing by local authorities shall have effect as if section forty of the Public Health (Ireland) Act, 1874, were thereby applied instead of the Local Loans Act, 1875, and as if the local authority were a rural sanitary authority, and purposes of this Act were purposes for which a rural sanitary authority may borrow, and as if the Commissioners of Public Works in Ireland were substituted for the Public Works Loan Commissioners, and section forty-three of the Public Health (Ireland) Act, 1874, were referred to instead of the Public Works Loans Act, 1875.

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Provisions applicable by Order to local authorities.

70.—(1.) The Lord Lieutenant and Privy Council may from time to time make such Orders in Council as to them seem fit—

(i.) For requiring any local authority, on an order of the Lord Lieutenant in that behalf, to appoint from time to time inspectors and valuers for the purposes of this Act:

(ii.) For defining their qualifications and powers and regulating their duties:

(iii.) For fixing the periods for which they shall be appointed and their remuneration and allowances:

(iv.) For extending and applying to any local authority the provisions of Part II. relative to pleuro-pneumonia, as regards the declaration of infected places and slaughter and compensation, or the provisions of Part II. relative to foot-and-mouth disease, as regards the declaration of infected places.

(2.) Notwithstanding anything in this Act, the provisions of Part II. mentioned in this section shall not extend or apply to any local authority unless and until they are so extended and applied by Order in Council under this section.

Inspectors.

Qualifications and powers of inspectors.

71.—(1.) The provisions of Part II. requiring local authorities to keep appointed veterinary inspectors shall not extend to Ireland; and the powers and duties by Part II. conferred and imposed on a veterinary inspector shall in Ireland be vested in and discharged by an inspector; but where a person appointed to be an inspector in Ireland has the qualification of a veterinary inspector under this Act, he may be styled a veterinary inspector.

(2.) The Lord Lieutenant and Privy Council may from time to time make such Orders in Council as to them seem fit for uniting two or more poor law unions into a district for the purposes of inspection, and for authorizing or directing the local authorities of those unions to appoint and keep appointed a veterinary inspector for the united district, and for regulating the mode of appointing such inspector, and the amount of his remuneration, and the mode in which the several unions shall contribute thereto.

(3.) An inspector appointed by the Lord Lieutenant shall have, throughout Ireland, or that part thereof for which he is appointed, all the powers by Part II. conferred on a Veterinary Inspector of the Privy Council.

Expenses of Local Authorities.

CLAUSE I. Expenses out of union funds.

The remuneration and allowances of an inspector or valuer of a local authority, and all money payable as compensation for

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animals slaughtered by direction of a local authority, or of their inspector, shall when due be paid by the treasurer of the union out of union funds. A.D. 1878.

General Cattle Diseases Fund.

Clause K. Constitution of fund.

(1.) There shall be a General Cattle Diseases Fund for purposes of this Part.

(2.) Any money at the commencement of this Act standing at the Bank of Ireland to the credit of the Cattle Plague Account shall be transferred to the account of the general cattle diseases fund; and that money shall in the first instance constitute that fund, as if it had been raised under this Act.

(3.) The Chief Secretary may from time to time, as and when he thinks fit, certify to the effect that a sum equivalent to a certain poundage on the net annual value of the property in all the unions is required for the purposes of this Act.

(4.) Thereupon the Local Government Board shall by order under their seal assess that sum on the several unions in proportion to the net annual value of the property therein.

(5.) They shall send copies of the order to the guardians and to the treasurer of each union.

(6.) Thereupon the treasurer of each union shall out of union funds pay over the amount assessed on the union to the Bank of Ireland, to be placed to the general cattle diseases fund.

(7.) The guardians of each union shall debit the several electoral divisions with proportions of that sum, according to the net annual value of the property therein.

(8.) No larger sum shall be levied under this Act at any one time than shall be equivalent to a poundage of one halfpenny in the pound on the net annual value of the property in all the unions; nor shall any larger sum be levied under this Act in the whole than shall be equivalent, taken with any money before the commencement of this Act carried to the cattle plague account, to a poundage of fourpence in the pound on the net annual value of the property in all the unions.

(9.) On receipt of a certificate of the Chief Secretary to the effect that any part of the sum standing to the general cattle diseases fund is not required for purposes of that fund, the Local Government Board shall by order under their seal assign the proportions returnable to the several unions, according to the net annual value of the property therein; and the Bank of Ireland shall, on a direction to that effect from the Chief Secretary, remit the sum so assigned to the treasurers of the unions; and the guardians of each union shall,

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A.D. 1878.

on receipt of that sum, credit the several electoral divisions with proportions of that sum according to the net annual value of the property therein.

CLAUSE L. Application of fund.

(1.) The treasurer of a union, on proof to the Chief Secretary of the payment of any money for remuneration, allowances, or compensation, in accordance with this Part, shall be entitled to a certificate to that effect, and to an order by the Chief Secretary for payment from the general cattle diseases fund of one half of the money so proved to have been paid; and the amount so ordered shall be paid to the treasurer accordingly for the union.

(2.) If in any case it is proved to the Chief Secretary that an animal in respect whereof compensation was paid by the treasurer of a union was, within seven days immediately before its slaughter, brought into that union solely for the purpose of being shipped out of Ireland from a port in that union within those seven days, or of being sold at a fair to be held in that union within those seven days, and that neither the owner, nor the person in charge thereof, had been guilty, in relation to it, of any offence against this Act, then the Chief Secretary shall order payment to the treasurer in manner aforesaid of the whole of the money paid in compensation in respect of that animal.

General.

Application of provisions respecting police.

72. The provisions of Part II. relating to the police and to constables shall apply to the members of the Royal Irish Constabulary Force or of the Dublin Metropolitan Police Force.

Recovery of penalties and summary proceedings.

73.—(1.) Proceedings for recovery of penalties for offences against this Act (other than penalties recoverable under the Customs Acts), and proceedings for recovery of expenses by this Act or an Order in Council directed to be recoverable summarily, and proceedings for obtaining summary orders under this Act or an Order in Council, may be taken in a summary manner, according to the provisions of the Summary Jurisdiction Acts, that is, as regards the police district of Dublin Metropolis, the Acts regulating the powers and duties of justices for that district, and as regards other parts of Ireland the Petty Sessions (Ireland) Act, 1851, and any Act affecting or amending the same.

14 & 15 Vict. c. 93.

(2.) The provisions of those Summary Jurisdiction Acts relative to appeals against orders and convictions shall apply to orders and convictions under this Act.

(3.) For the purposes of this Act a court of summary jurisdiction may consist of one or more justices.

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(4.) Penalties so recovered shall be applied as follows, that is to say, a part thereof not exceeding one third may be awarded to the informer, and the rest shall be awarded to the Crown, to be applied in aid of the general cattle diseases fund.

Publication and proof of Orders in Council.

74.—(1.) The Dublin Gazette shall be substituted for the London Gazette.

(2.) A copy of the Dublin Gazette purporting to be printed by the Queen's authority shall be conclusive evidence in all courts and legal proceedings of the date, contents, due making, and publication of any order appearing therein and purporting to be an Order in Council.

(3.) An Order in Council may also be proved by the production of an instrument purporting to be certified to be a true copy thereof by the Clerk of Her Majesty's Privy Council in Ireland, or the person for the time being acting as such; and that instrument shall be conclusive evidence in all courts and legal proceedings of the date, contents, due making, and publication of the order.

CLAUSE M. Provision for expenses of veterinary department.

The Lord Lieutenant, with the approval of the Treasury, may fix the salaries and allowances of the officers and persons acting in execution of this Act in the Veterinary Department of Her Majesty's Privy Council Office; and the same, and all charges and expenses incurred in the maintenance and management of that department, shall be paid out of money provided by Parliament.

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SCHEDULES.

THE FIRST SCHEDULE.

(Clause 4.)

ENACTMENTS REPEALED.

	I.—ENGLAND AND SCOTLAND.
32 & 33 Vict. c. 70. [9 August 1869]. in part.	The Contagious Diseases (Animals) Act, 1869: Except— (i.) Paragraphs 2, 3, and 4 of section 28 (local), relating to the markets of the mayor, aldermen, and commons of the City of London, with the Fifth Schedule, referred to in that section. (ii.) Sections 100 and 101 (transitory), relating to money borrowed by local authorities before the passing of that Act.
	II.—SCOTLAND.
38 & 39 Vict. c. 75. [11 August 1875.]	An Act to amend the Contagious Diseases (Animals) Act, 1869.
	III.—IRELAND.
11 & 12 Vict. c. 105. [4 September 1848.]	An Act to prohibit the importation of sheep, cattle, or other animals, for the purpose of preventing the introduction of contagious or infectious disorders.
11 & 12 Vict. c. 107. [4 September 1848.]	An Act to prevent, until the first day of September, one thousand eight hundred and fifty, and to the end of the then session of Parliament, the spreading of contagious or infectious disorders among sheep, cattle, and other animals.
16 & 17 Vict. c. 62. [4 August 1853.]	An Act to extend and continue an Act of the twelfth year of Her present Majesty, to prevent the spreading of contagious or infectious disorders among sheep, cattle and other animals.
29 & 30 Vict. c. 4. [6 March 1866.]	The Cattle Disease Act (Ireland), 1866.
33 & 34 Vict. c. 36. [1 August 1870.]	The Cattle Disease (Ireland) Amendment Act, 1870.
35 & 36 Vict. c. 16. [27 June 1872.]	The Cattle Disease (Ireland) Amendment Act, 1872.
37 & 38 Vict. c. 6. [21 May 1874.]	The Cattle Disease (Ireland) Acts Amendment Act, 1874.
39 & 40 Vict. c. 51. [11 August 1876.]	The Cattle Disease (Ireland) Act, 1876.

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THE SECOND SCHEDULE.

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Local Authorities in England.

(Clauses 7 and 9.)

District.	Local Authority.	Local Rate.	Clerk of Local Authority.
I.—Counties, except within the metropolis.	The justices in general or quarter sessions assembled.	The county rate, or rate in the nature of a county rate.	The clerk of the peace.
II.—The City of London and the liberties thereof.	The Corporation of London.	The consolidated rate.	The town clerk.
III.—The metropolis, except the City of London and the liberties thereof.	The Metropolitan Board of Works.	The metropolitan consolidated rate.	The clerk of the Metropolitan Board of Works.
IV.—Boroughs subject to the Municipal Corporation Act, 1835.	The mayor, aldermen, and burgesses acting by the Council.	The borough rate, with the borough fund.	The town clerk.
V.—Other boroughs	The commissioners or other body maintaining the police therein.	The rate applicable by the commissioners or other body to the maintenance of the police.	The clerk of the commissioners or other body.
VI.—The district of the local board of Oxford.	The local board	The rate leviable by the local board.	The clerk of the local board.

THE THIRD SCHEDULE.

Pleuro-Pneumonia.

(Clause 19.)

1. Cattle are not to be moved into or out of a place infected with pleuro-pneumonia, except in such cases as the Privy Council think fit from time to time by general order to except, and in the cases so excepted may be moved into or out of an infected place on conditions prescribed by general or special Order of Council, and not otherwise.

2. Cattle may be moved into, in, or out of such parts of a district infected with pleuro-pneumonia as are not comprised in a place infected with pleuro-pneumonia, by licence of the local authority, granted on conditions prescribed by general Order of Council, and not otherwise.

3. Nothing in this Schedule restricts movement of cattle in a place infected with pleuro-pneumonia.

4. No market, fair, exhibition, or sale of cattle is to be held in a place or district infected with pleuro-pneumonia, except by licence of the Privy Council, granted for the particular market, fair, exhibition, or sale.

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THE FOURTH SCHEDULE.

(Clause 24.)

FOOT-AND-MOUTH DISEASE.

1. Animals are not to be moved into or out of a place infected with foot-and-mouth disease, except where, as regards movement into such a place, the animals are affected with foot-and-mouth disease, and except in such other cases as the Privy Council think fit from time to time by general order to except.

2. In the cases so excepted by order animals may be moved into or out of an infected place on conditions prescribed by general or special Order of Council, and not otherwise.

3. Nothing in this Schedule restricts movement of animals in a place infected with foot-and-mouth disease.

THE FIFTH SCHEDULE.

(Clause 33.)

FOREIGN ANIMALS.

I.—*Slaughter at Port of Landing.*

1. Foreign animals are to be landed only at a part of a port defined for that purpose by special Order of Council, to be called a foreign animals wharf.

2. They are to be landed in such manner, at such times, and subject to such supervision and control as the Commissioners of Customs from time to time direct.

3. They are not to be moved alive out of the wharf.

II.—*Quarantine.*

4. The foregoing provisions of this Schedule (under the head of Slaughter at Port of Landing) do not apply to animals intended for dairy or breeding purposes, or for exhibition; and in lieu thereof the subsequent provisions of this Schedule (under the head of Quarantine) apply to those animals.

5. Those animals are to be landed only at a part of a port defined for that purpose by special Order of Council, to be called a foreign animals quarantine station.

6. They are to be landed in such manner, at such times, and subject to such supervision and control as the Commissioners of Customs from time to time direct, and subject to such conditions in respect of the animals, or of the vessel from which they are landed, as the Privy Council from time to time by general Order prescribe.

7. When landed they are to be placed in sheds or other receptacles in the quarantine station, prepared by the local authority or the owners of the quarantine station, or the consignees of animals or other persons, and approved by the Privy Council.

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8. Any such animal is not to be moved out of the quarantine station before the expiration of such period not being less than fourteen days after its landing as the Privy Council from time to time by general or special Order prescribe.

9. When moved out of the quarantine station it is to be accompanied by—

(*a.*) A certificate of a veterinary inspector of the Privy Council certifying that it is free from disease.

(*b.*) A licence of that inspector specifying the place to which and the person to whom it is to be taken.

10. It is not to be taken to or received at or by any other place or person.

11. The veterinary inspector is to send a copy of his licence to the local authority for the place specified in the licence.

12. The animal is not to be moved out of the district of that local authority for fifty-six days from the date of the licence of the veterinary inspector.

13. The animal, after it is received at the place specified in the licence, is not to be moved in the district of that local authority for those fifty-six days, except with a licence of the local authority, granted on conditions prescribed by general Order of Council.

14. In case of an animal intended for breeding purposes or exhibition only, the Privy Council may, if they think fit, by licence, modify the foregoing provisions relative to movement out of the quarantine station and consequent thereon.

15. Notwithstanding anything in the foregoing provisions of this Schedule (under the head of Quarantine), the provisions of this Act relating to slaughter in case of the existence of disease, and to compensation or other payment in respect of animals so slaughtered, and to the ownership of carcases of such animals, shall apply to animals in a foreign animals quarantine station.

III.—*Channel Islands and Isle of Man.*

16. In relation to animals brought from the Channel Islands or the Isle of Man, the Privy Council may from time to time, if they think fit, by general or special Order or by licence, alter or add to the provisions of this Schedule relating to slaughter or to quarantine, as the case may require.

IV.—*North America.*

17. In relation to animals brought from Her Majesty's possessions in North America, or from the United States of America, the provisions of this Schedule relating to slaughter or to quarantine, or any of those provisions, shall not have effect unless and until the Privy Council from time to time by general or special Order so direct.

THE SIXTH SCHEDULE.

COMMITTEES OF LOCAL AUTHORITIES. (Clause 36.)

1. Each local authority shall form and keep up a committee or committees, and may appoint the number of members by whom the powers of a committee

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A.D. 1878.

may be exercised, and may at any time add to or diminish the number of the members of a committee, or otherwise alter the constitution thereof, and fill up or provide for the filling up of vacancies therein, or revoke the appointment thereof and appoint another committee or committees, and lay down rules for the guidance of a committee, who shall act accordingly.

2. Each committee may consist wholly of members of the local authority, or partly thereof, and partly of other persons, being rated occupiers in the district of the local authority, and otherwise qualified as the local authority think fit.

3. A local authority may delegate all or any of their powers, except the power to make a rate, to a committee, with or without conditions or restrictions.

4. A local authority may revoke or alter any power given by them to a committee.

5. A local authority may, if they think fit, appoint and designate one committee as their executive committee.

6. An executive committee shall have all the powers of the local authority, except the power to make a rate, and may, if they think fit, appoint a sub-committee or sub-committees, and delegate to them all or any of the powers of the executive committee, with or without conditions or restrictions, and from time to time revoke or alter any such delegation, and appoint the number of members by whom the powers of a sub-committee may be exercised, and add to or diminish the number of the members of a sub-committee, or otherwise alter the constitution thereof, and fill up or provide for the filling up of vacancies therein, or revoke the appointment thereof and appoint another sub-committee or other sub-committees, and lay down rules for the guidance of a sub-committee, who shall act accordingly.

7. Proceedings of a committee or sub-committee shall not be invalidated by any vacancy in the committee or sub-committee, or, in the case of a committee appointed by the local authority for a county, by the termination of the session at which they were appointed.

8. In case of the formation of two or more committees, they shall act according to rules laid down for their guidance by the local authority.

9. A committee, and a sub-committee of an executive committee, may elect a chairman of their meetings.

10. If no chairman is elected, or if the chairman so elected is not present at the time appointed for meeting, the members then present shall choose a chairman for that meeting.

11. A committee or sub-committee may meet and adjourn as they think proper.

12. Every question at a meeting of a committee or sub-committee shall be determined by a majority of the votes of the members, including the chairman, present and voting on the question; and in case of equal division, the chairman shall have a second vote.

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THE SEVENTH SCHEDULE.

LOCAL AUTHORITIES IN SCOTLAND.

(Clause 66.)

District.	Local Authority.	Local Rate.	Clerk of Local authority.
I.—Counties, including any town or place which does not return, or contribute to return, a member to Parliament.	The persons appointed as provided in Part III.	Rate appointed to be levied in Part III.	The clerk of supply.
II.—Burghs which return, or contribute to return, a member to Parliament.	The magistrates and town council.		The town clerk.

1. In and for purposes of this Schedule and Part III. "county" does not include county of a city.

2. For purposes of Part III. the burgh of Maxwelltown is part, not of the parliamentary burgh of Dumfries, but of the stewartry of Kirkcudbright.

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Contagious Diseases (Animals). [H.L.]

A

B I L L

INTITULED

An Act for making better provision respecting Contagious and Infectious Diseases of Cattle and other Animals; and for other purposes.

(*Brought from the Lords* 3 *June* 1878.)

Ordered, by The House of Commons, *to be Printed*, 3 *June* 1878.

[204.]

Under 7 *oz.*

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Contagious Diseases (Animals) Bill. [H.L.]

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

No.	Marginal Note.	Former Enactments.*
	PART I.—GENERAL.	
1	Short title.	
2	Commencement of Act.	
3	Division of Act into parts - - - -	1869, sect. 3.
4	Repeal of enactments in schedule, with savings and other provisions.	1869, sect. 4.
5	Interpretation and construction - - -	1869, sect. 6.
	PART II.—ENGLAND.	
6	Extent of Part II.	
7	Definition of county and other districts - -	1869, sect. 7.
	Privy Council.	
8	Powers of Privy Council - - - -	1869, sect. 5.
	Local Authorities.	
9	Local authorities described in schedule - -	1869, sects. 9, 10, 28, (1.)
	Cattle Plague. - - -	1869, sects. 34 to 53, and Part V.
10	Declaration of infected place in cattle plague by inspector.	
11	Declaration of infected place in cattle plague by Privy Council.	
12	Declaration of infected district in cattle plague.	
13	Alteration of infected place or district in cattle plague.	
14	Declaration of freedom from cattle plague.	
15	Slaughter by Privy Council in cattle plague and compensation out of public money.	
	Pleuro-Pneumonia - - -	1869, sects. 54, 55.
16	Declaration of infected place in pleuro-pneumonia by local authority.	
17	Declaration or extension of infected place in pleuro-pneumonia by Privy Council.	
18	Declaration of infected district in pleuro-pneumonia by Privy Council.	
19	Rules for pleuro-pneumonia.	
20	Declaration of freedom from pleuro-pneumonia.	
21	Slaughter in pleuro-pneumonia, and compensation out of local rates.	

* Act of 1869, 32 & 33 Vict. c. 70.; the Contagious Diseases (Animals) Act, 1869.

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No.	Marginal Note.	Former Enactments.
	Foot-and-Mouth Disease.	
22	Declaration of infected place in foot-and-mouth disease by local authority.	
23	Declaration or extension of infected place in foot-and-mouth disease by Privy Council.	
24	Rules for foot-and-mouth disease.	
25	Declaration of freedom from foot-and-mouth disease.	
	Exceptional Powers for transit and other cases.	
26	Privy Council to provide for pleuro-pneumonia and foot-and-mouth disease during transit, and in other cases.	1869, sect. 57, last paragraph.
	Infected Places and Districts, generally.	
27	General provisions respecting declaration of infected places and districts.	
	Slaughter in Disease, and Compensation, generally.	
28	Power for Privy Council to provide for slaughter in other diseases.	1869, sect. 75.
29	General provisions relative to slaughter and compensation	1869, Part V.
	Notice of Disease to Police.	
30	Separation of affected animals, and notice of affection to police.	
	Disease and Movement, generally.	
31	Power for Privy Council to make orders for prevention or checking of disease, and other purposes.	1869, sect. 75.
32	Provision of water and food at railway stations -	1869, sect. 64.
	Dairies, Cow-sheds, and Milk-shops.	
33	Power for Privy Council to make orders relative to dairies, cow-sheds, and milk-shops.	
	Foreign Animals.	
34	Prohibition of importation; slaughter or quarantine -	1869, sects. 16 to 20.
35	Regulation of ports - - - - -	1869, sects. 15 to 20.
	Powers and Duties of Local Authorities.	
36	Local authorities to be treated as incorporated -	1869, sect. 87.
37	Committees of local authorities - - -	1869, sect. 11.
38	Provision of places for landing of foreign animals -	1869, sects. 23 to 30.
39	Power for local authority to acquire land - -	1869, Part VII.
40	Duties of local authorities and enforcement thereof -	1869, sect. 79.
41	Inspectors and other officers of local authority -	1869, sects. 12, 13.
42	Reports to Privy Council - - - -	1869, sect. 14.
43	Orders and regulations of local authorities - -	1869, sect. 84.
44	Powers of local authorities to be for their district.	
	Expenses of Local Authorities.	
45	Expenses out of local rate - - - -	1869, Part VIII.
46	Relief of boroughs from contribution to county expenses.	1869, sect. 97.
47	Outstanding rates - - - - -	1869, sect. 102.

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No.	Marginal Note.	Former Enactments.
	Borrowing by Local Authorities.	
48	Power for local authority to borrow - - -	1869, sects. 98, 99, 26.
	Police.	
49	Duties and authorities of constables - - -	1869, sects. 48, 49, 105.
	General.	
50	General powers of inspectors - - - -	1869, sects. 32, 62.
51	Power for detention of vessels.	
52	Expenses of burial of carcases washed ashore.	
53	Power to exclude strangers by notice - - -	1869, sect. 59.
54	Provisions for protection of local authority and persons acting under Act.	1869, sects. 110–115.
55	No stamp duty or fees - - - -	1869, sect. 83.
56	Evidence and form and service of instruments -	1869, sect. 82.
57	Provisions respecting Orders of Council - -	1869, sect. 81.
58	Yearly return to be laid before Houses of Parliament.	
	Offences and Proceedings.	
59	Fines for offences - - - - -	1869, sect. 103.
60	General offences - - - - -	1869, sects. 32, 105.
61	Imprisonment instead of fine for use of expired licences, digging up of carcases, and other specified offences -	1869, sect. 104.
62	Proceedings in court of summary jurisdiction.	
63	Appeal - - - - - -	1869, sect. 108.
64	Proceedings under Customs Acts for unlawful landing or shipping.	1869, sects. 21, 78.
65	General provision as to procedure - - -	1869, sects. 109, 107, 106.
	PART III.—SCOTLAND. - -	1869, Part X. and 38 & 39 Vict. c. 75.
66	Application of Parts II. and III. to Scotland.	
	Local Authorities.	
67	Local authorities in schedule.	
68	Appointment of local authority in counties.	
69	Levy and recovery of assessments.	
	Land.	
70	Purchase of land.	
	Borrowing.	
71	Provisions as to borrowing by local authority.	
	Inspectors.	
72	Powers and qualifications of inspectors.	
	Legal Proceedings.	
73	Recovery and application of penalties, and other matters.	

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No.	Marginal Note.	Former Enactments.
	PART IV.—IRELAND - -	Acts mentioned in Part III. of First Schedule.
74	Application of Parts II. and IV. to Ireland.	
75	Interpretation in Part IV.	
	Lord Lieutenant and Privy Council.	
76	Powers of Lord Lieutenant and Privy Council.	
77	Communication of Orders from and to Ireland.	
	Local Authorities.	
78	Constitution of local authorities; lands and borrowing.	
79	Provisions applicable by Order to local authorities.	
	Inspectors.	
80	Qualifications and powers of inspectors.	
	Expenses of Local Authorities.	
81	Expenses out of union funds.	
	General Cattle Diseases Fund.	
82	Constitution of fund.	
83	Application of fund.	
	General.	
84	Application of provisions respecting police.	
85	Recovery of penalties and summary proceedings.	
86	Publication and proof of Orders in Council.	
87	Provision for expenses of Veterinary Department.	
	SCHEDULES.	
	The First Schedule (*Enactments repealed*) - -	1869, First Schedule.
	The Second Schedule (*Local Authorities in England*) -	1869, Second Schedule.
	The Third Schedule (*Pleuro-pneumonia*) - -	1869, Seventh Schedule.
	The Fourth Schedule (*Foot-and-Mouth Disease*).	
	The Fifth Schedule (*Foreign Animals*) - -	1869, Fourth Schedule.
	The Sixth Schedule (*Committees of Local Authorities*)	1869, Third Schedule.
	The Seventh Schedule (*Local Authorities in Scotland*) -	1869, Ninth Schedule.

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B I L L

[AS AMENDED IN COMMITTEE]

INTITULED

An Act for making better provision respecting Contagious and Infectious Diseases of Cattle and other Animals; and for other purposes. A.D. 1878.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

PART I.—GENERAL.

1. This Act may be cited as the Contagious Diseases (Animals) Act, 1878. Short title.

2.—(1.) This Act shall, except as otherwise expressed, commence and have effect from and immediately after the thirtieth day of September, one thousand eight hundred and seventy-eight, which time is in this Act referred to as the commencement of this Act. Commencement of Act.

(2.) But, on and after the passing of this Act, any Order of Council and Order in Council necessary or proper for bringing this Act into operation at the commencement thereof, and any order or regulation of a local authority authorized by any such Order of Council or in Council, may be made, so that the same do not take effect before the commencement of this Act; and, on and after the passing of this Act, any committee, and any inspector or other officer, may be appointed, to act under this Act as from the commencement thereof.

3. This Act is divided into Parts, as follows: Division of Act into parts.

Part I.—General.
Part II.—England.
Part III.—Scotland.
Part IV.—Ireland.

4.—(1.) The enactments described in the First Schedule are hereby repealed, subject to the qualifications and exceptions in this Act mentioned. Repeal of enactments in schedule, with savings and other provisions.

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A.D. 1878.

(2.) The repeal of enactments or any other thing in this Act shall not—

(i.) Affect the past operation of any of those enactments, or any Order of Council or in Council or regulation of a local authority made, or any licence granted, or any committee or sub-committee constituted, or any appointment made, or any right, title, obligation, or liability accrued, or any money borrowed, or any market, wharf, lair, landing-place, or other accommodation provided, or any rate or mortgage made, or the validity or invalidity of anything done or suffered, under any of those enactments before the commencement of this Act:

(ii.) Interfere with the institution or prosecution of any action or proceeding, civil or criminal, in respect of any offence committed against, or penalty or forfeiture incurred or liability accrued under or in consequence of, any of those enactments or any order or regulation made thereunder:

(iii.) Take away or abridge any protection or benefit given or to be enjoyed in relation thereto.

(3.) Notwithstanding the repeal of enactments or any other thing in this Act, every Order of Council and in Council and other thing in this section mentioned shall continue and be as if this Act had not been passed; but so that the same may be revoked, altered, or otherwise dealt with under this Act, as if it had been made or done under this Act.

32 & 33 Vict. c. 70. 40 & 41 Vict. c. 68.

(4.) This Act, instead of the Contagious Diseases (Animals) Act, 1869, shall be deemed to be referred to in the Destructive Insects Act, 1877; and penalties under the provisions of that Act relating to Great Britain shall be recoverable in manner provided in Parts II. and III. of this Act.

Interpretation and construction.

5.—(1.) In this Act—

(i.) "Cattle" means bulls, cows, oxen, heifers, and calves:

(ii.) "Animals" means, except where it is otherwise expressed, cattle, sheep, and goats, and all other ruminating animals, and swine:

(iii.) "Disease" means cattle plague (that is to say, rinderpest or the disease commonly called cattle plague), contagious pleuro-pneumonia of cattle (in this Act called pleuro-pneumonia), foot-and-mouth disease, sheep-pox, or sheep-scab:

(iv.) "Diseased" means affected with disease:

(v.) "Suspected" means suspected of being diseased:

(vi.) "Carcase" means the carcase of an animal, and includes part of a carcase, and the meat, bones, hide, skin, hoofs, horns, offal, or other part of an animal, separately or otherwise, or any portion thereof:

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A.D. 1878.

(vii.) "Fodder" means hay or other substance commonly used for food of animals:

(viii.) "Litter" means straw or other substance commonly used for bedding or otherwise for or about animals:

(ix.) "Foreign," applied to a country, denotes a country out of the United Kingdom of Great Britain and Ireland, and, applied to animals and things, means brought to the United Kingdom of Great Britain and Ireland from a foreign country:

(x.) "Inspector of the Privy Council" or "Inspector of a local authority" means a person appointed to be an inspector for purposes of this Act, by the Privy Council, or by a local authority, as the case may be; and "inspector," used alone, means such a person, by whichever authority appointed:

(xi.) "Veterinary inspector" means an inspector being a member of the Royal College of Veterinary Surgeons:

(xii.) "Treasury" means the Commissioners of Her Majesty's Treasury:

(xiii.) "The Corporation of London" means the Mayor and Commonalty and Citizens of the City of London, acting by the Mayor, Aldermen, and Commons of that City, in Common Council assembled:

(xiv.) "The Customs Acts" means the Customs Consolidation Act, 1876, and any enactment amending or substituted for that Act: 39 & 40 Vict. c. 36.

(xv.) "Justice" means justice of the peace:

(xvi.) "Court of summary jurisdiction" means two or more justices sitting in petty sessions at a court or other public place appointed in that behalf, or a police, stipendiary, or other magistrate or officer, however designated, having by law power to act for any purpose with the authority of two justices, and sitting at a police court or other place appointed in that behalf:

(xvii.) "Railway company" includes a company or persons working a railway under lease or otherwise:

(xviii.) "Person" includes a body corporate or unincorporate:

(xix.) "Part" means Part of this Act, and "Schedule" means Schedule to this Act.

(2.) The schedules shall be construed and have effect as part of this Act.

(3.) In the computation of time for purposes of this Act, a period reckoned by days from the happening of an event or the doing of an act or thing shall be deemed to be exclusive of the day on which the event happens or the act or thing is done.

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PART II.—ENGLAND.

Extent of Part II.

6. Part II. applies to England.

Definition of county and other districts.

7. In and for purposes of Part II.—

(i.) "County" does not include a county of a city or a county of a town, but includes a riding or division or parts of a county having a separate commission of the peace:

(ii.) The liberty of the Isle of Ely and the soke of Peterborough are each a county:

(iii.) Every other liberty or franchise of a county is part of the county by which it is surrounded, or, if partly surrounded by two or more counties, is part of that county with which it has the longest common boundary:

18 & 19 Vict. c. 120.

(iv.) "Metropolis" has the same meaning as in the Metropolis Management Act, 1855:

(v.) "Borough" means—

5 & 6 Will. 4. c. 76.

(*a.*) A place subject to the Municipal Corporation Act, 1835; or

(*b.*) A place having under any general or local Act of Parliament, or otherwise, a separate police establishment:

(vi.) Every place not being a county, borough, part of the metropolis, or named in the Second Schedule, forms part of the county to the county rate whereof it is assessed, or, if it is not so assessed, forms part of the county wherein it is situate.

Privy Council.

Powers of Privy Council.

8.—(1.) In this Act Her Majesty's Most Honourable Privy Council is referred to as the Privy Council, and an order of the Privy Council under this Act is referred to as an Order of Council.

(2.) Powers by this Act conferred on the Privy Council may be exercised by the lords and others of the Privy Council, or two of them; and, as regards the making of orders and doing of acts affecting only particular local authorities, persons, ports, towns, districts, places, vessels, or things, and as regards the issuing and revocation of licences, and the appointment or removal of inspectors and other officers, may be exercised by the Lord President of the Council or one of Her Majesty's Principal Secretaries of State.

Local Authorities.

Local authorities described in schedule.

9. For the purposes of this Part, the respective districts, authorities, rates, and officers, described in the Second Schedule, shall be the district, the local authority, the local rate, and the clerk of the local authority, but subject as regards the Metropolis to the following provisions:

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(i.) The Corporation of London shall alone be the local authority in and for the Metropolis for purposes of the provisions of this Act relating to foreign animals. A.D. 1878.

Cattle Plague.

Declaration of infected place in cattle plague by inspector.

10.—(1.) Where it appears to an inspector that cattle plague exists, or has within ten days existed, in a cow-shed, field, or other place, he shall forthwith make and sign a declaration thereof.

(2.) He shall serve a notice, signed by him, of that declaration on the occupier of that cow-shed, field, or other place.

(3.) Thereupon that cowshed, field, or other place, with all lands and buildings contiguous thereto in the same occupation, shall become and be a place infected with cattle-plague, subject to the determination and declaration of the Privy Council.

(4.) The inspector shall serve a like notice, signed by him, unless, in the circumstances, this appears to him not to be expedient, on the occupiers of all lands and buildings, any part whereof lies in his judgment within one mile in any direction from that cow-shed, field, or other place, or on the occupiers of any of those lands and buildings.

(5.) Thereupon, all the lands and buildings aforesaid, on the occupiers whereof the inspector serves such a notice, shall become and be part of the aforesaid place infected with cattle plague, subject to the determination and declaration of the Privy Council.

(6.) The inspector shall, with all practicable speed, inform the Privy Council and the local authority of his declaration and notices, and shall send to the Privy Council his declaration and a copy of his secondly-mentioned notice (if any).

(7.) The Privy Council shall forthwith on receipt of the information inquire into the correctness of the inspector's declaration.

(8.) If the Privy Council are satisfied of the correctness of that declaration as regards the existence or past existence of cattle plague, they shall by order determine and declare accordingly, and prescribe the limits of the place infected with cattle plague.

(9.) If the Privy Council are not satisfied of the correctness of the inspector's declaration as regards the existence or past existence of cattle plague, they shall by order determine and declare accordingly; and thereupon, as from the time specified in the order, the place comprised in the inspector's declaration and notices shall cease to be a place infected with cattle plague.

Declaration of infected place in

11. The Privy Council may at any time, if they think fit, on any evidence satisfactory to them, by order declare any cow-shed, field,

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cattle plague by Privy Council.

or other place, with or without any lands or buildings adjoining or near thereto, to be a place infected with cattle plague.

Declaration of infected district in cattle plague.

12. The Privy Council may from time to time, if they think fit, by order declare any district, wherein a place infected with cattle plague is situate, to be a district infected with cattle plague.

Alteration of infected place or district in cattle plague.

13. The Privy Council may from time to time, if they think fit, by order extend, contract, or otherwise alter the limits of a place or district infected with cattle plague.

Declaration of freedom from cattle plague.

14. The Privy Council may at any time, if they think fit, by order declare a place or district infected with cattle plague, or part thereof, to be free from cattle plague.

Slaughter by Privy Council in cattle plague and compensation out of public money.

15.—(1.) The Privy Council shall cause to be slaughtered—

(i.) All animals affected with cattle plague:

(ii.) All animals being or having been in the same shed or stable, herd or flock, or in contact, with an animal affected with cattle plague.

(2.) The Privy Council may, if they think fit, in any case cause to be slaughtered—

(iii.) All animals suspected of cattle plague or being in a place infected with cattle plague:

(iv.) All animals being in such parts of a district infected with cattle plague as are not comprised in a place infected with cattle plague (but in this last-mentioned case subject to such regulations as the Treasury from time to time think fit to make).

(3.) The Privy Council shall, for animals slaughtered under this section, pay compensation as follows, out of money provided by Parliament:

(*a.*) Where the animal slaughtered was affected with cattle plague, the compensation shall be one half of its value immediately before it became so affected, but so that the compensation do not in any such case exceed twenty pounds:

(*b.*) In every other case the compensation shall be the value of the animal immediately before it was slaughtered, but so that the compensation do not in any case exceed forty pounds.

Pleuro-Pneumonia.

Declaration of infected place in pleuro-pneumonia by local authority.

16.—(1.) Where it appears to an inspector of a local authority that pleuro-pneumonia exists, or has within fifty-six days existed, in a cow-shed, field, or other place, he shall forthwith make and sign a declaration thereof,

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(2.) He shall serve a notice, signed by him, of the declaration on the occupier of that cow-shed, field, or other place.

(3.) Thereupon that cow-shed, field or other place shall become and be a place infected with pleuro-pneumonia, subject to the determination and declaration of the local authority.

(4.) The inspector shall, with all practicable speed, inform the local authority of his declaration and notice, and shall send his declaration and a copy of his notice to the local authority.

(5.) The local authority shall forthwith on receipt of that information inquire into the correctness of the inspector's declaration, with the assistance and advice of a veterinary inspector, or of a person qualified according to this Act to be such.

(6.) If the local authority are satisfied of the correctness of the inspector's declaration as regards the existence or past existence of disease, they shall by order determine and declare accordingly, and prescribe the limits of the place infected with pleuro-pneumonia, and may, if they think fit, include within those limits any lands or buildings adjoining or near to the cowshed, field, or other place to which the inspector's declaration relates.

(7.) The local authority may include in a place infected with pleuro-pneumonia any adjoining part of the district of another local authority, with the previous consent in writing of that authority, but not otherwise.

(8.) If the local authority are not satisfied of the correctness of the inspector's declaration as regards the existence or past existence of disease, they shall by order determine and declare accordingly; and thereupon, as from the time specified in that behalf in their order, the cow-shed, field, or other place to which the inspector's declaration relates shall cease to be a place infected with pleuro-pneumonia.

(9.) The local authority shall forthwith report to the Privy Council the declaration of the inspector, and the proceedings of the local authority thereon, and shall state whether or not it is, in their opinion, expedient that an infected district, comprising the infected place, shall be declared, and, if so, what should, in their opinion, be the limits of that district.

Declaration or extension of infected place in pleuro-pneumonia by Privy Council.

17.—(1.) The Privy Council may at any time, if they think fit, on any evidence satisfactory to them, by order declare any cow-shed, field, or other place, with or without any lands or buildings adjoining or near thereto, to be a place infected with pleuro-pneumonia.

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A.D. 1878.

(2.) The Privy Council may from time to time, if they think fit, by order extend the limits of a place infected with pleuro-pneumonia, declared either by a local authority or by the Privy Council.

Declaration of infected district in pleuro-pneumonia by Privy Council

18. The Privy Council may at any time, if they think fit, on any evidence satisfactory to them, by order declare any district wherein a place infected with pleuro-pneumonia is situate to be a district infected with pleuro-pneumonia, and may from time to time, if they think fit, by order extend the limits of such a district.

Rules for pleuro-pneumonia.

19. The rules set forth in the Third Schedule shall have effect in relation to a place or district infected with pleuro-pneumonia.

Declaration of freedom from pleuro-pneumonia.

20.—(1.) Where a local authority have declared a place to be infected with pleuro-pneumonia, they may, if they think fit, at any time after the expiration of fifty-six days from the date of the cessation therein of that disease, but not sooner, declare by order that place to be free from pleuro-pneumonia.

(2.) Where the Privy Council or a local authority have declared a place to be infected with pleuro-pneumonia, the Privy Council may, if they think fit, at any time after the expiration of fifty-six days from the date of the cessation therein of that disease, but not sooner, declare by order that place to be free from pleuro-pneumonia.

(3.) Where the Privy Council have declared a district to be infected with pleuro-pneumonia, they may, if they think fit, at any time when there is not within that district, or within some particular portion thereof, any place infected with pleuro-pneumonia, declare by order that district, or that portion thereof, to be free from pleuro-pneumonia.

Slaughter in pleuro-pneumonia, and compensation out of local rates.

21.—(1.) A local authority shall cause all cattle affected with pleuro-pneumonia to be slaughtered within two days after the existence of the disease is known to them.

(2.) A local authority may, if they think fit, cause any cattle being or having been in the same shed or herd, or in contact, with cattle affected with pleuro-pneumonia to be slaughtered.

(3.) The local authority shall out of the local rate pay compensation as follows for cattle slaughtered under this section:

(i.) Where the animal slaughtered was affected with pleuro-pneumonia, the compensation shall be three fourths of its value immediately before it became so affected, but so that the compensation do not in any such case exceed thirty pounds:

(ii.) In every other case the compensation shall be the value of the animal immediately before it was slaughtered, but so that the compensation do not in any case exceed forty pounds.

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Foot-and-Mouth Disease.

Declaration of infected place in foot-and-mouth disease by local authority.

22.—(1.) Where it appears to an inspector of a local authority that foot-and-mouth disease exists, or has within ten days existed, in a cow-shed, field, or other place, he shall forthwith make and sign a declaration thereof.

(2.) He shall serve a notice, signed by him, of that declaration on the occupier of that cow-shed, field, or other place, and also on the occupier or occupiers of any lands or buildings contiguous thereto as he shall consider necessary.

(3.) Thereupon that cow-shed, field, or other place shall become and be a place infected with foot-and-mouth disease, subject to the determination and declaration of the local authority.

(4.) The inspector shall, with all practicable speed, inform the local authority of his declaration and notice, and shall send his declaration and a copy of his notice to the local authority.

(5.) The local authority shall forthwith on receipt of that information inquire into the correctness of the inspector's declaration.

(6.) If the local authority are satisfied of the correctness of the inspector's declaration as regards the existence or past existence of disease, they shall by order determine and declare accordingly, and prescribe the limits of the place infected with foot-and-mouth disease, and may, if they think fit, include within those limits any lands or buildings adjoining or near to the cow-shed, field, or other place to which the inspector's declaration relates.

(7.) The local authority may include in a place infected with foot-and-mouth disease any adjoining part of the district of another local authority, with the previous consent in writing of that authority, but not otherwise.

(8.) If the local authority are not satisfied of the correctness of the inspector's declaration as regards the existence or past existence of disease, they shall by order determine and declare accordingly; and thereupon, as from the time specified in that behalf in their order, the cow-shed, field, or other place to which the inspector's declaration relates, shall cease to be a place infected with foot-and-mouth disease.

(9.) The local authority shall forthwith report to the Privy Council the declaration of the inspector, and the proceedings of the local authority thereon, and shall state whether or not it is in their opinion expedient that an infected district, comprising the infected place, shall be declared, and if so what should in their opinion be the limits of that district.

(10.) This section shall, notwithstanding anything therein contained, be construed and have effect subject to the subsequent section in this Act contained, whereby the Privy Council are re-

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quired to make, by order, provision respecting the case of animals found to be affected with foot-and-mouth disease while exposed for sale or exhibited in a market, fair, sale-yard, or place of exhibition, and in other circumstances specified in the same section, and generally while being on land or in a place other than land, or a place in the possession or occupation, or under the control, of the owner of the animals.

Declaration or extension of infected place in foot-and-mouth disease by Privy Council.

23.—(1.) The Privy Council may at any time, if they think fit, on any evidence satisfactory to them, by order declare any cow-shed, field, or other place, with or without any lands or buildings adjoining or near thereto, to be a place infected with foot-and-mouth disease.

(2.) The Privy Council may from time to time, if they think fit, on any evidence satisfactory to them, by order extend the limits of a place infected with foot-and-mouth disease, declared either by the Privy Council or by a local authority.

Rules for foot-and-mouth disease.

24. The rules set forth in the Fourth Schedule shall have effect in relation to a place or district infected with foot-and-mouth disease.

Declaration of freedom from foot-and-mouth disease.

25.—(1.) Where a local authority have declared a place to be infected with foot-and-mouth disease, they may, if they think fit, at any time after the expiration of fourteen days from the date of the cessation therein of that disease, or of such longer period, not exceeding twenty-eight days from that date, as the Privy Council from time to time by general order direct, but not sooner, declare by order that place to be free from foot-and-mouth disease.

(2.) Where the Privy Council or a local authority have declared a place or district to be infected with foot-and-mouth disease, the Privy Council may, if they think fit, at any time after the expiration of fourteen days from the date of the cessation therein of that disease, or of such longer period, not exceeding twenty-eight days from that date, as the Privy Council from time to time by general order direct, but not sooner, declare by order that place or district to be free from foot-and-mouth disease.

Exceptional Powers for transit and other cases.

Privy Council to provide for pleuro-pneumonia and foot-and-mouth disease during transit, and in other cases.

26.—(1.) The Privy Council shall, as soon as may be after the passing of this Act, and thereafter from time to time, by general order make such further or other provision as they think necessary or expedient respecting the case of animals found to be affected with pleuro-pneumonia or foot-and-mouth disease—

(i.) While exposed for sale or exhibited in a market, fair, sale-yard, place of exhibition, or other place; or

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(ii.) While placed in a lair or other place before exposure for sale; or

(iii.) While in transit or in course of being moved by land or by water; or

(iv.) While in a foreign animals wharf or foreign animals quarantine station; or

(v.) While being in a slaughter-house or place where animals are slaughtered or are kept with a view to slaughter; or

(vi.) While being on common or uninclosed land; or

(vii.) Generally, while being on land or in a place other than land or a place in the possession or occupation or under the control of the owner of the animals.

(2.) The Privy Council shall, by general orders under this section, from time to time make such provision as they think fit for the consequences under this Act of animals being so found, in the circumstances aforesaid, as well with regard to the animals as with regard to the places where they are when so found and other places, and with regard to animals being or having been in the same shed or stable, herd or flock, or in contact with animals so found.

(3.) The Privy Council may from time to time, by special orders under this section relating to particular places, make such provision as they think fit for the consequences aforesaid.

(4.) Every order under this section shall have full effect notwithstanding any provision of this Act requiring the declaration of a place infected by pleuro-pneumonia or foot-and-mouth disease, or relating to any consequence thereof, or to any matter connected therewith, and notwithstanding any other provision whatsoever of this Act.

Infected Places and Districts, generally.

General provisions respecting declaration of infected places and districts.

27.—(1.) The Privy Council may, from time to time, make such general orders as they think fit, subject and according to the provisions of this Act, for prescribing the cases in which places and districts are to be declared to be infected with a disease other than cattle plague, pleuro-pneumonia, or foot-and-mouth disease, and the authority, mode, and conditions by, in, and on which declarations in that behalf are to be made, and the effect and consequences thereof, and the duration and discontinuance thereof, and other matters connected therewith.

(2.) Every place or district so declared infected, as well as a place or district declared infected with cattle plague, pleuro-pneumonia, or foot-and-mouth disease, shall be an infected place or district within this Act.

(3.) Notwithstanding anything in this Act, where the Privy Council, on inquiry, and after communication with the local

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authority, but without prejudice to the powers of the Privy Council as regards cattle plague, are satisfied that a declaration of a place being an infected place has been made in error respecting the existence or past existence of disease or respecting the limits of a place, or respecting any other matter of fact whereon the declaration proceeded, the Privy Council may, by order, cancel the declaration as regards the infected place, or as regards any part thereof, as they think fit.

(4.) Where, in accordance with the provisions of this Act, a place or district or a portion of a district is declared free from a disease, or a declaration of a place being an infected place is cancelled, as regards the place or as regards any part thereof, then, as from the time specified in that behalf by the Privy Council or a local authority, as the case may be, the place or district, or that portion of the district, or that part of the place, shall cease to be, or to be in, an infected place or district.

(5.) An order of the Privy Council or of a local authority declaring a place or district to be an infected place or district, or a place or district, or a portion of a district, to be free from disease, or cancelling a declaration, shall be conclusive evidence to all intents of the existence or past existence or cessation of the disease, or of the error, and of any other matter whereon the order proceeds.

Slaughter in Disease, and Compensation, generally.

Power for Privy Council to provide for slaughter in other diseases.

28. The Privy Council may from time to time make such orders as they think fit, subject and according to the provisions of this Act, for directing or authorizing in case of the existence of any disease other than cattle plague or pleuro-pneumonia slaughter of animals by local authorities, either generally or in particular instances, and in all or any of such cases payment of compensation for the same by local authorities out of the local rate.

General provisions relative to slaughter and compensation.

29.—(1.) The Privy Council may, notwithstanding anything in this Act, reserve for observation and treatment an animal liable to be slaughtered under this Act by order of the Privy Council or of a local authority, but subject to payment of compensation by the Privy Council or the local authority, as the case may be, as in case of actual slaughter.

(2.) Where an animal is slaughtered under this Act by order of the Privy Council or of a local authority, the carcase of the animal shall belong to the Privy Council or to the local authority, as the case may be, and shall be buried, or sold, or otherwise disposed of by them, or as they direct, as the condition of the animal or carcase and other circumstances may require or admit; and any

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money received by a local authority on any such sale shall be carried by them to the credit of the local rate.

(3.) If, in any case, the sum received by the Privy Council or a local authority on sale of a carcase under this section exceeds the amount paid for compensation to the owner of the animal slaughtered, the Privy Council or local authority, as the case may be, shall pay that excess to the owner, after deduction of reasonable expenses.

(4.) Where an animal is slaughtered under this Act by order of the Privy Council or of a local authority, the Privy Council or local authority, as the case may be, may use for the burial of the carcase any ground in the possession or occupation of the owner of the animal and suitable in that behalf, or any common or uninclosed land.

(5.) If the owner of an animal slaughtered under this Act by order of the Privy Council or of a local authority has an insurance on the animal, the amount of the compensation awarded to him under this Act may be deducted by the insurers from the amount of the money payable under the insurance before they make any payment in respect thereof.

(6.) A local authority shall keep, as the Privy Council from time to time by general order direct, a record relative to slaughter, which record shall be admitted in evidence.

(7.) Notwithstanding anything in this Act, the Privy Council or a local authority, as the case may be, may, if they think fit, withhold, either wholly or partially, compensation or other payment in respect of an animal slaughtered under this Act by their respective order, where the owner or the person having charge thereof has, in their respective judgment, been guilty, in relation to the animal, of an offence against this Act, or where the animal, being a foreign animal, was, in their respective judgment, diseased at the time of its landing.

Notice of Disease to Police.

Separation of affected animals, and notice of affection to police.

30.—(1.) Every person having in his possession or under his charge an animal affected with disease shall, as far as practicable, keep that animal separate from animals not so affected, and shall, with all practicable speed, give notice of the fact of the animal being so affected to a constable of the police establishment for the police district or area, county, borough, town, or place wherein the animal so affected is.

(2.) The constable to whom notice is given shall forthwith give information thereof to such person or authority as the Privy Council from time to time by general order direct.

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(3.) The Privy Council from time to time may make such general orders as they think fit for prescribing and regulating the notice to be given to or by any person or authority in case of any particular disease, or in case of the illness of an animal, and for supplementing or varying for those purposes any of the provisions of this section.

Disease and Movement, generally.

Power for Privy Council to make orders for prevention or checking of disease, and other purposes.

31. The Privy Council may from time to time make such general or special orders as they think fit, subject and according to the provisions of this Act, for the following purposes, or any of them:

(i.) For prescribing and regulating the notice of disease, or of the illness of an animal, to be given to or by any person or authority.

(ii.) For prohibiting or regulating the movement of animals and persons into, in, or out of an infected place or district.

(iii.) For prescribing and regulating the isolation or separation of animals being in an infected place or district.

(iv.) For prohibiting or regulating the removal of carcases, fodder, litter, utensils, pens, hurdles, dung, or other things into, in, or out of an infected place or district.

(v.) For prescribing and regulating the destruction, burial, disposal, or treatment of carcases, fodder, litter, utensils, pens, hurdles, dung, or other things, being in an infected place or district, or removed thereout.

(vi.) For prescribing and regulating the cleansing and disinfecting of infected places and districts, or parts thereof.

(vii.) For prescribing and regulating the disinfecting of the clothes of persons coming in contact with or employed about diseased or suspected animals, or being in an infected place, and the use of precautions against the spreading of disease by such persons.

(viii.) For prohibiting or regulating the digging up of carcases buried.

(ix.) For prohibiting or regulating the exposure of diseased or suspected animals in markets or fairs or sale-yards, or other public or private places, where animals are commonly exposed for sale, and the placing thereof in lairs or other places adjacent to or connected with markets or fairs, or where animals are commonly placed before exposure for sale.

(x.) For prohibiting or regulating the sending or carrying of diseased or suspected animals, or of dung or other thing likely to spread disease, or the causing the same to be sent or carried, on railways, canals, rivers, or inland navigations, or in coasting vessels, or otherwise.

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(xi.) For prohibiting or regulating the carrying, leading, or driving of diseased or suspected animals, or the causing them to be carried, led, or driven on highways or thoroughfares, or elsewhere.

(xii.) For prohibiting or regulating the placing or keeping of diseased or suspected animals on commons or uninclosed lands, or in fields or other places insufficiently fenced, or on the sides of highways.

(xiii.) For prescribing and regulating the seisure, detention, and disposal of a diseased or suspected animal exposed, carried, kept, or otherwise dealt with in contravention of an Order of Council; and for prescribing and regulating the liability of the owner or consignor or consignee of the animal to the expenses connected with the seisure, detention, and disposal thereof.

(xiv.) For prescribing the mode of ascertainment of the value of an animal slaughtered, or liable to be slaughtered, by order of the Privy Council or of a local authority.

(xv.) For regulating applications for, and the mode of payment of, compensation to be paid out of money provided by Parliament.

(xvi.) For prescribing and regulating the destruction, burial, disposal, or treatment of carcases of animals slaughtered by order of the Privy Council or of a local authority, or dying while diseased or suspected.

(xvii.) For prohibiting or regulating movement of animals, and the removal of carcases, fodder, litter, dung, and other things, and for prescribing and regulating the isolation of animals newly purchased.

(xviii.) For prescribing and regulating the issuing and production of licences respecting movement and removal of animals and things.

(xix.) For prohibiting or regulating the holding of markets, fairs, exhibitions, and sales of animals.

(xx.) For prescribing and regulating the cleansing and disinfecting of places used for the holding of markets, fairs, exhibitions, and sales of animals, or for lairage of animals, and yards, sheds, stables, and other places used for animals.

(xxi.) For prescribing and regulating the cleansing and disinfecting of vessels, vehicles, and pens and other places, used for the carrying of animals for hire or purposes connected therewith.

(xxii.) For prescribing modes of cleansing and disinfecting.

(xxiii.) For insuring for animals carried by sea a proper supply of food and water and proper ventilation during the passage and on landing.

(xxiv.) For protecting them from unnecessary suffering during the passage and on landing.

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(xxv.) For protecting animals from unnecessary suffering during inland transit.

(xxvi.) For securing a proper supply of water and food to animals during any detention thereof.

(xxvii.) For prescribing and regulating the marking of animals.

(xxviii.) For prohibiting, absolutely or conditionally, the use, for the carrying of animals or for any purpose connected therewith, of a vessel, vehicle, or pen or other place in respect whereof, or of the use whereof, a penalty has been recovered from any person for an offence against this Act.

(xxix.) For prescribing and regulating the payment and summary recovery of expenses in respect of animals.

(xxx.) For prescribing and regulating the form and mode of service or delivery of notices and other instruments.

(xxxi.) For authorizing a local authority to make regulations for purposes of this Act or of an Order of Council, subject to such conditions, if any, as the Privy Council, for the purpose of securing uniformity and the due execution of the provisions of this Act, think fit to prescribe.

(xxxii.) For applying all or any of the provisions of this Act to horses, asses, and mules, and to glanders and farcy, and other diseases thereof.

(xxxiii.) For extending, for all or any of the purposes of this Act, the definition of disease in this Act, so that the same shall for those purposes comprise any disease of animals, as defined either by this Act or by Order of Council, in addition to the diseases mentioned in this Act.

(xxxiv.) Generally, for the better execution of this Act.

Provision of water and food at railway stations.

32.—(1.) Every railway company shall make a provision, to the satisfaction of the Privy Council, of water and food, or either of them, at such stations as the Privy Council from time to time, by general or specific description, direct, for animals carried, or about to be or having been carried, on the railway of the company.

(2.) The water and food so provided, or either of them, shall be supplied to any such animal by the company carrying it, on the request of the consignor or of any person in charge thereof.

(3.) As regards water, if, in the case of any animal, such a request is not made, so that the animal remains without a supply of water for twenty-four consecutive hours, the consignor and the person in charge of the animal shall each be guilty of an offence against

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this Act; and it shall lie on the person charged to prove such a request and the time within which the animal had a supply of water.

(4.) But the Privy Council may from time to time, if they think fit, by order prescribe any other period, not less than twelve hours instead of the period of twenty-four hours aforesaid, generally, or in respect of any particular kind of animals.

(5.) The company supplying water or food under this section may make in respect thereof such reasonable charges (if any) as the Privy Council by order approve, in addition to such charges as they are for the time being authorized to make in respect of the carriage of animals. The amount of those additional charges accrued due in respect of any animal shall be a debt from the consignor and from the consignee thereof to the company, and shall be recoverable by the company from either of them with costs by proceedings in any court of competent jurisdiction. The company shall have a lien for the amount thereof on the animal in respect whereof the same accrued due, and on any other animal at any time consigned by or to the same consignor or consignee to be carried by the company.

Dairies, Cow-sheds, and Milk-shops.

Power for Privy Council to make orders relative to dairies, cow-sheds, and milk-shops.

33. The Privy Council may from time to time make such general or special orders as they think fit, subject and according to the provisions of this Act, for the following purposes, or any of them:

(i.) For the registration with the local authority of all persons carrying on the trade of cowkeepers, dairymen, or purveyors of milk.

(ii.) For the inspection of cattle in dairies, and for prescribing and regulating the lighting, ventilation, cleansing, drainage, and water supply of dairies and cow-sheds in the occupation of persons following the trade of cow-keepers or dairymen.

(iii.) For securing the cleanliness of milk stores, milk-shops, and of milk-vessels used for containing milk for sale by such persons.

(iv.) For prescribing precautions to be taken for protecting milk against infection or contamination.

(v.) For authorizing a local authority to make regulations for the purposes aforesaid, or any of them, subject to such conditions, if any, as the Privy Council prescribe.

Foreign Animals.

Prohibition of importation; slaughter or quarantine.

34.—(1.) The Privy Council may from time to time make such general or special orders as they think fit for prohibiting the landing of animals, or of any specified kind thereof, or of carcases,

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fodder, litter, dung, or other thing, brought from any specified foreign country, or any specified part thereof.

(2.) Any such order may be made at any time after the passing of this Act, but shall not take effect before the first day of January one thousand eight hundred and seventy-nine; and until that day Part III., relating to foreign animals, of the Contagious Diseases (Animals) Act, 1869, and all other provisions relating to foreign animals of that Act and of any other Act repealed by this Act, shall, notwithstanding that repeal, or any other thing in this Act, be in force as if this Act had not been passed.

(3.) On and after the first day of January one thousand eight hundred and seventy-nine, the provisions set forth in the Fifth Schedule shall apply to foreign animals, the landing whereof is not for the time being prohibited by Order of Council made under this section.

Regulation of ports.

35.—(1.) The Privy Council may from time to time make such general or special orders as they think fit, subject and according to the provisions of this Act, for the following purposes, or any of them:

(i.) For prescribing the ports at which alone foreign animals may be landed.

(ii.) For defining the limits of ports for purposes of this Act.

(iii.) For defining parts of ports.

(iv.) For prohibiting or regulating the movement of animals into, in, or out of a defined part of a port.

(v.) For prescribing and regulating the inspection and examination, and the mode, time, and conditions of slaughter, of animals in a defined part of a port.

(vi.) For prescribing and regulating the disposal of animals, not being foreign animals, and being in a defined part of a port.

(vii.) For regulating the removal of carcases, fodder, litter, utensils, dung, or other things into, in, or out of a defined part of a port, and the disposal thereof, when likely to introduce or spread disease.

(viii.) For prescribing and regulating the cleansing and disinfecting of a defined part of a port or of parts thereof.

(ix.) For prescribing and regulating the disinfecting or destruction of things being in a defined part of a port or removed thereout.

(x.) For regulating the movement of persons into, in, or out of a defined part of a port.

(xi.) For prescribing and regulating the disinfecting of the clothes of persons employed or being in a defined part of a port,

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and the use of precautions against the introduction or spreading by them of disease.

(xii.) For prescribing and regulating the seisure and detention of any foreign animal, carcase, fodder, litter, dung, or other thing whereby disease may be introduced or spread.

(xiii.) Generally, for the better execution of this Act in relation to foreign animals, carcases, fodder, litter, dung, or other things, or for the purpose of in any manner preventing the introduction or spreading thereby of disease.

(2.) Notwithstanding anything in this Act, a defined part of a port, or any part thereof, shall not be declared to be an infected place or be made part of an infected place, otherwise than by the Privy Council.

Powers and Duties of Local Authorities.

Local authorities to be treated as incorporated.

36. A local authority, not being a body corporate, may sue and be sued, and take and hold land, and otherwise act and be dealt with for all purposes of this Act, by the name or title of the local authority under this Act for their district, as if they were incorporated.

Committees of local authorities.

37. The provisions in the Sixth Schedule shall have effect with respect to committees of local authorities.

Provision of places for landing of foreign animals.

38.—(1.) A local authority may provide, erect, and fit up wharves, stations, lairs, sheds, and other places for the landing, reception, keeping, sale, slaughter or disposal of foreign animals, carcases, fodder, litter, dung, and other things.

10 & 11 Vict. c. 14.

(2.) There shall be incorporated with this Act the Markets and Fairs Clauses Act, 1847, except sections six to nine and fifty-one to sixty thereof, all inclusive.

(3.) A wharf or other place provided by a local authority under this section shall be a market within that Act; and this Act shall be the special Act; and the prescribed limits shall be the limits of lands acquired or appropriated for purposes of this section; and byelaws shall be approved by the Privy Council, which approval shall be sufficient without any other approval or allowance, notice of application for approval being given, and proposed byelaws being published before application, as required by the Markets and Fairs Clauses Act, 1847.

(4.) A local authority may charge for the use of a wharf or other place provided by them under this section such sums as byelaws from time to time appoint, and the same shall be deemed tolls authorized by the special Act.

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(5.) All sums so received by the local authority shall be carried to a separate account, and shall be applied in payment of interest on money borrowed by them for purposes of Part III., relating to foreign animals, of the Contagious Diseases (Animals) Act, 1869, or of this section, and in repayment of the principal thereof, and, subject thereto, towards discharge of their expenses under this Act.

Power for local authority to acquire land.

39.—(1.) A local authority may purchase, or may by agreement take on lease or at a rent, land for wharves or other places, or for use for burial of carcases in cases where there is not any ground suitable in that behalf in the possession or occupation of the owner of the animal, or any common or uninclosed land suitable in that behalf, or for any other purpose of this Act.

(2.) They may (subject to any agreement) dispose of lands so acquired, but not required for this Act, carrying the money produced thereby to the credit of the local rate.

(3.) The regulations contained in section one hundred and seventy-six of the Public Health Act, 1875, shall be observed with respect to the purchase of land by a local authority for purposes of this Act, as if the local authority were a local board, and purposes of this Act were purposes of that Act; save that the requisite advertisements and notices may be published and served in any two consecutive months, and that the local rate be substituted for the rates therein mentioned.

38 & 39 Vict. c. 55.

(4.) The powers conferred by this section may be exercised by a local authority with respect to land within or without their district.

Duties of local authorities, and enforcement thereof.

40.—(1.) Every local authority shall execute and enforce this Act and every Order of Council, as far as the same are to be executed or enforced by local authorities.

(2.) Where a local authority fail to execute or enforce any of the provisions of this Act, or of an Order of Council, the Privy Council may by order empower a person therein named to execute and enforce those provisions, or to procure the execution and enforcement thereof.

(3.) The expenses incurred thereby by or on behalf of the Privy Council, including compensation for animals slaughtered, shall be expenses of the local authority, and the amount thereof shall be paid to the Privy Council, on demand, by the treasurer or other proper officer of the local authority; and in default of payment the same shall be recoverable from the local authority, with costs, by a person appointed by the Privy Council to sue in that behalf.

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(4.) For the purposes of this section an order of the Privy Council shall be conclusive in respect of any default, amount of expenses, or other matter therein stated or appearing.

(5.) The provisions of this section shall be without prejudice to the right or power of the Privy Council, or any other authority or any person, to take any other proceedings for requiring a local authority to execute or enforce any of the provisions of this Act, or of an Order of Council.

Inspectors and other officers of local authority.

41.—(1.) Every local authority shall from time to time appoint so many inspectors and other officers as they think necessary for the execution and enforcement of this Act, and shall assign to those inspectors and officers such duties, and salaries, or allowances, and may delegate to any of them such authorities and discretion, as to the local authority seem fit, and may at any time revoke any appointment so made.

(2.) Every local authority shall keep appointed at all times at least one veterinary inspector, and shall appoint and at all times keep appointed so many other veterinary inspectors as the Privy Council, having regard to the extent and circumstances of the district of the local authority, from time to time direct.

(3.) The Privy Council, on being satisfied on inquiry that an inspector of a local authority is incompetent, or has been guilty of misconduct or neglect, may, if they think fit, direct his removal, and thereupon he shall cease to be an inspector.

Reports to Privy Council.

42. Every local authority and their inspectors and officers shall send and give to the Privy Council such notices, reports, returns, and information as the Privy Council from time to time require.

Orders and regulations of local authorities.

43.—(1.) An order or regulation of a local authority may be proved—

(i.) By the production of a newspaper purporting to contain the order or regulation as an advertisement; or

(ii.) By the production of a copy of the order or regulation purporting to be certified by the clerk of the local authority as a true copy.

(2.) An order or regulation so proved shall be taken to have been duly made, unless and until the contrary is proved.

(3.) An order or regulation of a local authority authorized by this Act or by Order of Council shall alone be deemed for purposes of this Act an order or regulation of a local authority.

Powers of local authorities

44. The provisions of this Act conferring powers on, or otherwise relating to, a local authority, or their inspectors or officers, shall, unless otherwise expressed, be read as having reference to the

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district of the local authority; and powers thereby conferred shall, unless it is otherwise expressed, be exerciseable and shall operate within and in relation to that district only.

to be for their district.

Expenses of Local Authorities.

Expenses out of local rate.

45. The expenses of a local authority shall be defrayed out of the local rate; and such sums as may be necessary to defray those expenses shall from time to time be levied with and as part of the local rate.

Relief of boroughs from contribution to county expenses.

46.—(1.) The local authority of a borough assessed to the county rate of a county shall be paid back by the local authority of the county the proportionate amount paid by the borough towards the expenses under this Act of the local authority of the county.

(2.) The local authority of the metropolis shall be exempt from contributing towards the expenses under this Act of the local authorities of the counties within which the metropolis is situate, and the local authority of a borough having a separate court of quarter sessions shall be exempt from contributing towards the expenses under this Act of the local authority of the county within which the borough is situate; and the treasurer of the county shall, out of the account required by the Municipal Corporation Act, 1835, to be kept by him of money expended out of the county rate for other purposes than those in that Act mentioned, exclude the expenses under this Act of the local authority of the county; and the amount to be paid to the treasurer of the county by the borough shall be varied accordingly.

6 & 7 Will. 4. c. 76.

Outstanding rates.

47. The existence of an order or precept for the making or collection under any former Act of a rate remaining uncollected wholly or in part at the commencement of this Act shall not affect the validity of any rate thereafter made.

Borrowing by Local Authorities.

Power for local authority to borrow

48.—(1.) Where the amount or proportion of the local rate levied or required for this Act exceeds or would exceed in any financial year sixpence in the pound, a local authority may borrow at interest on the credit of the local rate any money necessary under this Act, and may secure the repayment thereof with interest by mortgaging the local rate for any term not exceeding seven years.

(2.) Where the amount or proportion aforesaid exceeds or would exceed in any financial year ninepence in the pound, the Local Government Board may, if they think fit, on application of the local authority, extend the term to any period not exceeding fourteen years.

(3.) A local authority, borrowing for the purposes of this section,

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shall borrow subject to the provisions of the Local Loans Act, 1875; and every loan raised under this section shall be discharged in manner prescribed by section thirteen of that Act, for which purpose a sinking fund is hereby prescribed, if in any case the Local Government Board so direct, but not otherwise. A.D. 1878. 38 & 39 Vict. c. 83.

(4.) The Public Works Loan Commissioners may, on the recommendation of the Local Government Board, advance money to a local authority in manner provided by the Public Works Loans Act, 1875, and any enactment amending or substituted for that Act, the same to be repaid, with interest, within the term aforesaid, and the local authority may so borrow accordingly.

(5.) A local authority, borrowing for purposes of the provisions of this Act relating to foreign animals, may, if they think fit, give as security, either with the local rate, if any, or separately therefrom, the charges which they are authorized to make for the use of a wharf or other place provided by them under this Act, and any estates, revenues, or funds belonging to them and not otherwise appropriated by law; and in that case the limitations in this section respecting the amount or proportion of rate and term of years shall not operate.

Police.

49.—(1.) The police of each police district or area, county, borough, town, and place shall execute and enforce this Act and every Order of Council. Duties and authorities of constables.

(2.) Where a person is seen or found committing, or is reasonably suspected of being engaged in committing, an offence against this Act, a constable may, without warrant, stop and detain him; and, if his name and address are not known to the constable, and he fails to give them to the satisfaction of the constable, the constable may, without warrant, apprehend him; and the constable may, whether so stopping or detaining or apprehending the person or not, stop, detain, and examine an animal, vehicle, boat, or thing to which the offence or suspected offence relates, and require the same to be forthwith taken back to or into any place or district wherefrom or whereout it was unlawfully removed, and execute and enforce that requisition.

(3.) If any person obstructs or impedes a constable or other officer in the execution of this Act or of an Order of Council or of a regulation of a local authority, or assists in any such obstructing or impeding, the constable or officer may without warrant apprehend the offender.

(4.) A person apprehended under this section shall be taken with all practicable speed before a justice, and shall not be detained

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without a warrant longer than is necessary for that purpose, and all enactments relating to the release of persons on recognisances taken by an officer of police or a constable shall apply in the case of a person apprehended under this section.

(5.) The foregoing provisions of this section respecting a constable extend and apply to any person called by a constable to his assistance.

(6.) A constable shall forthwith make a report in writing to his superior officer of every case in which he stops any person, animal, vehicle, boat, or thing under this section, and of his proceedings consequent thereon.

(7.) Nothing in this section shall take away or abridge any power or authority that a constable would have had if this section had not been enacted.

General.

General powers of inspectors.

50.—(1.) An inspector shall have, for purposes of this Act, all powers which a constable has under this Act or otherwise in the place where the inspector is acting.

(2.) An inspector may at any time enter any land, or dairy or cow-shed to which this Act applies, or milk-store or milkshop, or other building or place wherein he has reasonable grounds for supposing—

(*a.*) That disease exists or has within twenty-eight days existed; or

(*b.*) That the carcase of a diseased or suspected animal is or has been kept, or has been buried, destroyed, or otherwise disposed of; or

(*c.*) That there is to be found any pen, place, vehicle, or thing in respect whereof any person has on any occasion failed to comply with the provisions of this Act, or of an Order of Council, or of a regulation of a local authority; or

(*d.*) That this Act or an Order of Council or a regulation of a local authority has not been or is not being complied with.

(3.) An inspector may at any time enter any pen, vehicle, vessel, or boat in which or in respect whereof he has reasonable grounds for supposing that this Act or an Order of Council or a regulation of a local authority has not been or is not being complied with.

(4.) An inspector entering, as in this section authorized, shall, if required by the owner, or occupier, or person in charge of the land, building, place, pen, vehicle, vessel, or boat, state in writing his reasons for entering.

(5.) A certificate of a veterinary inspector to the effect that an animal is or was affected with a disease specified in the certificate

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shall for the purposes of this Act be conclusive evidence in all courts of justice of the matter certified.

(6.) An inspector of the Privy Council shall have all the powers of an inspector throughout England or that part thereof for which he is appointed.

Power for detention of vessels.

51.—(1.) Where an inspector of the Privy Council is satisfied that this Act or an Order of Council or a regulation of a local authority has not been or is not being complied with on board a vessel in a port, then, on the representation in writing to that effect of the inspector, stating particulars of non-compliance, the vessel may be detained until the Privy Council otherwise direct.

(2.) The officer detaining the vessel shall forthwith deliver to the master or person in charge of the vessel a copy of the representation.

(3.) Section thirty-four of the Merchant Shipping Act, 1876, shall apply in the case of such detention, as if it were effected under an Act in that section mentioned.

39 & 40 Vict. c. 80.

Expenses of burial of carcases washed ashore.

52. Where a carcase washed ashore is buried or destroyed under the direction of a receiver of wreck, with authority from the Board of Trade, the expenses thereof shall be expenses of the local authority and shall be paid by them to the receiver on demand, and in default of payment shall be recoverable with costs from them by the receiver.

Power to exclude strangers by notice.

53. A person owning or having charge of animals in a place or district declared infected with any disease may affix, at or near the entrance to a building or inclosure in which the animals are, a notice forbidding persons to enter therein without the permission mentioned in the notice; and thereupon it shall not be lawful for any person, not having by law a right of entry or way into, on, or over that building or inclosure, to enter or go into, on, or over the same without that permission.

Provisions for protection of local authority and persons acting under Act.

54.—(1.) An action, prosecution, or proceeding against a local authority, or an inspector or officer of the Privy Council or of a local authority, or any person, for any act done in pursuance or execution or intended execution of this Act, or of an Order of Council, or regulation of a local authority, or in respect of any alleged neglect or default in the execution of this Act, or of such an order or regulation, shall not lie or be instituted unless it is commenced within four months next after the act, neglect, or default complained of, or, in case of a continuance of injury or damage, within four months next after the ceasing thereof.

(2.) In any such action tender of amends before the action was commenced may, in lieu of or in addition to any other plea, be

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pleaded. If the action was commenced after such tender, or is proceeded with after payment into court of any money in satisfaction of the plaintiff's claim, and the plaintiff does not recover more than the sum tendered or paid, he shall not recover any costs incurred after such tender or payment, and the defendants shall be entitled to costs, to be taxed as between solicitor and client, as from the time of such tender or payment; but this provision shall not affect costs on any injunction in the action.

(3.) Subject and without prejudice to any other powers, a local authority, where the defendant in any such action, prosecution, or other proceeding is their officer, servant, or agent, may, if they think fit, except so far as the court before whom such action, prosecution, or other proceeding is heard and determined otherwise direct, pay as part of their expenses in the execution of this Act all or any part of any sums payable by such defendant in or in consequence of such action, prosecution, or proceeding, whether in respect of costs, charges, expenses, damages, fine, or otherwise.

No stamp duty or fees.

55. No stamp duty shall be payable on, and no fee or other charge shall be demanded or made for, any appointment, certificate, declaration, licence, or thing under this Act or an Order of Council or a regulation of a local authority, or for any inspection or other act precedent to the granting, making, or doing of a certificate, declaration, licence, or other thing.

Evidence and form and service of instruments.

56.—(1.) In any proceeding under this Act, no proof shall be required of the appointment or handwriting of an inspector or other officer of the Privy Council, or of the clerk or an inspector or other officer of a local authority.

(2.) Every notice or other instrument under this Act or under an Order of Council or regulation of a local authority may be in writing or print, or partly in writing and partly in print.

(3.) Any such notice or other instrument may be served on the person to be affected thereby, either by the delivery thereof to him personally, or by the leaving thereof for him at his last known place of abode or business, or by the sending thereof through the post in a registered letter addressed to him there.

(4.) A notice or other instrument so sent by post shall be deemed to have been served at the time when the letter containing it would be delivered in the ordinary course.

(5.) In order to prove service by letter of a notice or other instrument, it shall be sufficient to prove that the letter was properly addressed, registered, and posted, and contained the notice or other instrument to be served.

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(6.) A notice or other instrument to be served on the occupier of any building, land, or place may, except when sent by post, be addressed to him by the designation of the occupier of that building, land, or place, without naming or further describing him; and where it is to be served on the several occupiers of several buildings, lands, or places, may, except when sent by post, be addressed to them collectively by the designation of the occupiers of those several buildings, lands, or places, without further naming or describing them, but separate copies thereof being served on them severally.

Provisions respecting Orders of Council.

57.—(1.) The Privy Council may from time to time alter or revoke any Order of Council.

(2.) Every Order of Council shall have effect as if it had been enacted by this Act.

(3.) Every Order of Council shall be published in the London Gazette; save that where an order affects only a particular local authority, person, port, town, district, place, vessel, or thing, or is a licence or revocation of a licence, or in the nature thereof, or is an appointment or removal of an inspector or other officer, then the insertion in the London Gazette of a notice of the making of the order shall suffice; and a copy of the London Gazette containing such a notice shall be evidence of the order, as if the notice were the order.

(4.) Every Order of Council, licence, or other instrument, issued by the Privy Council, shall be published by and at the expense of every local authority to whom it is sent by the Privy Council for publication, in such manner as the Privy Council direct, and, subject to and in the absence of any direction, by advertisement in a newspaper circulating in the district of the local authority.

(5.) The validity or effect of an Order of Council, licence, or other instrument issued by the Privy Council shall not be affected by want of or defect or irregularity in any publication thereof.

(6.) Any act of the Privy Council under this Act, done otherwise than by Order of Council, shall be sufficiently done and signified by an instrument signed by the Clerk of the Council; and every act done and signified by an instrument purporting to be so signed shall be deemed to have been duly done by the Privy Council; and every such instrument shall be received in evidence in all courts and proceedings without proof of the authority or signature of the Clerk of the Council or other proof.

Yearly return to be laid before Houses of Parliament.

58. A return shall be made and laid before both Houses of Parliament not later than the thirty-first day of March in each year, setting forth every Order of Council made since the date of the last return and every previous Order of Council required to be published

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in the London Gazette and in force; and stating the proceedings and expenditure under this Act of the Privy Council, and, as far as reasonably may be, of local authorities, in the year ending the thirty-first day of December then last; and shewing the number of foreign animals landed and found diseased in that year, specifying the disease and the ports of exportation and landing, and the mode of disposal of the animals; and containing such other information respecting the operation of this Act as the Privy Council think fit.

Offences and Proceedings.

Fines for offences.

59. If any person is guilty of an offence against this Act, he shall for every such offence be liable—

(i.) To a penalty not exceeding twenty pounds; or

(ii.) If the offence is committed with respect to more than four animals, to a penalty not exceeding five pounds for each animal; or

(iii.) Where the offence is committed in relation to carcases, fodder, litter, dung, or other thing (exclusive of animals), to a penalty not exceeding ten pounds in respect of every half ton in weight thereof after one half ton, in addition to the first penalty of not exceeding twenty pounds.

General offences.

60. If any person does any of the following things he shall be guilty of an offence against this Act:

(i.) If he does anything in contravention of this Act or of an Order of Council or of a regulation of a local authority made under this Act:

(ii.) If, without lawful excuse, proof whereof shall lie on him, he fails to give, produce, observe, or do any notice, licence, rule, or thing which by this Act or by an Order of Council or by a regulation of a local authority, he is required to give, produce, observe, or do:

(iii.) If, without lawful excuse, proof whereof shall lie on him, he does anything which by this Act or an Order of Council is made or declared to be not lawful:

(iv.) If he does or omits anything, the doing or omission whereof is declared by this Act or by an Order of Council to be an offence by him against this Act:

(v.) If he refuses to an inspector or other officer, acting in execution of this Act or of an Order of Council or of a regulation of a local authority, admission to any land, building, place, vessel, pen, vehicle, or boat which the inspector or officer is entitled to enter or examine, or obstructs or impedes him in so entering or examining, or otherwise in any respect obstructs or impedes an inspector or constable or other officer in the execution of his duty, or assists in any such obstructing or impeding:

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(vi.) If he throws or places, or causes or suffers to be thrown or placed, into or in any river, stream, canal, navigation, or other water, or into or in the sea within three miles of the shore, the carcase of an animal which has died of disease, or been slaughtered as diseased or suspected, unless he shews to the satisfaction of the court of summary jurisdiction before which he is charged that he did not know that the animal had so died or been slaughtered, and that he could not with reasonable diligence have obtained knowledge thereof.

Imprisonment instead of fine for use of expired licences, digging up of carcases, and other specified offences.

61.—(1.) If any person does any of the following things, he shall be guilty of an offence against this Act:

(i.) If he does anything for which a licence is requisite under this Act or an Order of Council, or a regulation of a local authority, without having obtained a licence:

(ii.) If, where such a licence is requisite, having obtained a licence he does the thing licensed after the licence has expired:

(iii.) If he uses or offers or attempts to use as such a licence an instrument not being a complete licence, or an instrument untruly purporting or appearing to be a licence, unless he shews to the satisfaction of the court of summary jurisdiction before which he is charged that he did not know of that incompleteness or untruth, and that he could not with reasonable diligence have obtained knowledge thereof:

(iv.) If, with intent to unlawfully evade this Act or an Order of Council, or a regulation of a local authority, he alters, or falsely makes, or ante-dates, or counterfeits, or offers or utters, knowing the same to be altered, or falsely made, or ante-dated, or counterfeited, a licence, declaration, certificate, or instrument made or issued, or purporting to be made or issued, under or for any purpose of this Act or an Order of Council, or a regulation of a local authority:

(v.) If, for the purpose of obtaining such a licence, certificate, or instrument, he makes a declaration or statement false in any material particular, unless he shews to the satisfaction of the court of summary jurisdiction before which he is charged that he did not know of that falsity, and that he could not with reasonable diligence have obtained knowledge thereof:

(vi.) If he obtains or endeavours to obtain such a licence, certificate, or instrument by means of a false pretence, unless he shews to the satisfaction of the court of summary jurisdiction before which he is charged that he did not know of that falsity, and that he could not with reasonable diligence have obtained knowledge thereof:

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(vii.) If he grants or issues such a licence, certificate, or instrument, being false in any date or other material particular, unless he shews to the satisfaction of the court of summary jurisdiction before which he is charged that he did not know of that falsity, and that he could not with reasonable diligence have obtained knowledge thereof, or grants or issues such a licence, certificate, or instrument, having, and knowing that he has, no lawful authority to grant or issue the same:

(viii.) If he grants or issues an instrument being in form a licence, certificate, or instrument made or issued under this Act, or an Order of Council, or a regulation of a local authority, for permitting or regulating the movement of a particular animal, or the doing of any other particular thing, but being issued in blank, that is to say, not being before the issue thereof so filled up as to specify any particular animal or thing:

(ix.) If he uses or offers or attempts to use for any purpose of this Act, or of an Order of Council, or of a regulation of a local authority, an instrument so issued in blank, unless he shews to the satisfaction of the court of summary jurisdiction before which he is charged that he did not know of it having been so issued in blank, and that he could not with reasonable diligence have obtained knowledge thereof:

(x.) If he by means of any fraud or false pretence obtains, or attempts to obtain, compensation from the Privy Council or a local authority in respect of an animal slaughtered under this Act, or aids or abets any person in any such fraud or false pretence:

(xi.) If, without lawful authority or excuse, proof whereof shall lie on him, he digs up, or causes to be dug up, a carcase buried under the direction of the Privy Council or of a local authority or of a receiver of wreck:

(xii.) If, where an Order of Council has prohibited, absolutely or conditionally, the use for the carrying of animals, or for any purpose connected therewith, of a vessel, vehicle, or pen or other place, he does anything so prohibited.

(2.) And in every case in this section specified he shall be liable, on conviction, in the discretion of the court of summary jurisdiction before which he is convicted, to be imprisoned for any term not exceeding three months, with or without hard labour, in lieu of the pecuniary penalty to which he is liable under this Act.

Proceedings in court of summary jurisdiction.

62. Proceedings and penalties for offences against this Act may be taken and recovered, and expenses and other money by this Act or an Order of Council made recoverable summarily may be re-

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covered with costs, and summary orders under this Act or an Order of Council may be made with costs, by or before a court of summary jurisdiction, under and according to the Act of the session of the eleventh and twelfth years of Her Majesty's reign (chapter forty-three), "to facilitate the performance of the duties of justices of "the peace out of sessions within England and Wales with respect "to summary convictions and orders," and any Act amending the same; but nothing in this section shall apply to proceedings under the Customs Acts.

11 & 12 Vict. c. 43.

Appeal.

63.—(1.) If any person thinks himself aggrieved by the dismissal of a complaint by, or by any determination or adjudication of, a court of summary jurisdiction under this Act, he may appeal therefrom.

(2.) The appeal shall be made to the next practicable court of general or quarter sessions for the county or place in which the cause of appeal arises, holden not less than twenty-one days after the decision appealed from.

(3.) The appellant shall, within ten days after the decision, give notice to the clerk of the court whose decision is appealed from of his intention to appeal, and of the grounds thereof, and to the other party.

(4.) The appellant shall within three days after such notice enter into a recognisance before a justice, with two sufficient sureties, conditioned personally to try the appeal, and to pay such costs of appeal as the court may award.

(5.) The court may adjourn the appeal, and may make such order thereon as the court thinks fit.

(6.) Nothing in this section shall affect any enactment relative to appeals in cases of summary convictions or adjudications in the city of London or the metropolitan police district, or apply to proceedings under the Customs Acts.

Proceedings under Customs Acts for unlawful landing or shipping.

64.—(1.) If any person lands or ships or attempts to land or ship an animal or thing in contravention of this Act or of an Order of Council, he shall be liable, under and according to the Customs Acts, to the penalties imposed on persons importing or exporting or attempting to import or export goods the importation or exportation whereof is prohibited by or under the Customs Acts, without prejudice to any proceeding against him under this Act for an offence against this Act, but so that he be not punished twice for the same offence.

(2.) The animal or thing in respect whereof the offence is committed shall be forfeited, under and according to the Customs

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Acts, as goods the importation or exportation whereof is prohibited by or under the Customs Acts are liable to be forfeited.

General provision as to procedure.

65.—(1.) The description of an offence against this Act in the words of this Act, or of the Order of Council or regulation of a local authority under which the offence arises, or in similar words, shall be sufficient in law.

(2.) Any exception, exemption, excuse, or qualification, whether it does or not accompany the description of the offence in this Act, or in the Order of Council or regulation of a local authority under which the offence arises, may be proved by the defendant, but need not be specified or negatived in the information; and, if it is so specified or negatived, proof in relation to the matter so specified or negatived shall not be required on the part of the informant.

(3.) A warrant of commitment under this Act shall not be held void by reason of any defect therein, if only there is a valid conviction to sustain the warrant, and it is alleged in the warrant that the person named therein has been convicted.

(4.) Where the owner or person in charge of an animal is charged with an offence against this Act relative to disease or to any illness of the animal, he shall be presumed to have known of the existence of the disease or illness, unless and until he shews to the satisfaction of the court of summary jurisdiction before which he is charged that he had not knowledge thereof, and could not with reasonable diligence have obtained that knowledge.

(5.) Where a person is charged with an offence against this Act in not having duly cleansed or disinfected any place, vessel, vehicle, or thing belonging to him or under his charge, and a presumption against him on the part of the prosecution is raised, it shall lie on him to prove the due cleansing and disinfecting thereof.

(6.) A person charged with an offence against this Act may, if he thinks fit, tender himself to be examined on his own behalf, and thereupon he may give evidence in the same manner and with the like effect and consequences as any other witness.

(7.) Every offence against this Act shall be deemed to have been committed, and every cause of complaint or matter for summary proceeding under this Act or an Order of Council or regulation of a local authority shall be deemed to have arisen, either in any place where the same actually was committed or arose, or in any place where the person charged or complained of or proceeded

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against happens to be at the time of the institution or commencement of the charge, complaint, or proceeding.

(8.) Notwithstanding anything in any Act relating to the metropolitan police or to municipal corporations or in any other Act, such part not exceeding one half of every penalty or forfeiture recovered under this Act (except in proceedings under the Customs Acts) as the court of summary jurisdiction before which it is recovered thinks fit, shall be paid to the person who proceeds for the same, and the residue thereof shall be applied as if this section had not been enacted.

Part III.—Scotland.

66.—(1.) Part III. applies to Scotland only.

Application of Parts II. and III. to Scotland.

(2.) Part II. shall also, by virtue of this section, extend to Scotland, subject to Part III., which shall have effect in substitution for Part II., when so expressed or implied, and otherwise shall have effect in addition to Part II.

Local Authorities.

Local authorities in schedule.

67. For the purposes of this Part the respective districts, authorities, rates, and officers described in the Seventh Schedule shall be the district, the local authority, the local rate, and the clerk of the local authority.

Appointment of local authority in counties.

68.—(1.) The commissioners of supply in every county shall meet and nominate not fewer than four or more than fifteen of their number to act on the county board for the purposes of this Act, and shall intimate to the lord lieutenant of the county and the convener of the county the number and names of the persons so appointed.

(2.) The clerk of supply in each county shall call a meeting of the occupiers of agricultural subjects in the county valued in the valuation roll in force for the time at one hundred pounds and upwards, and of occupiers of such subjects of which they are owners valued in the valuation roll at fifty pounds and under one hundred pounds. The meeting shall be called by advertisement in one or more newspapers circulating in the county for the same day as, or for a day not later than eight days after, the meeting of the commissioners of supply. The advertisement shall specify the time and place of such meeting, and the clerk of supply shall be clerk to such meeting. The meeting shall nominate from among such occupiers

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and owners and occupiers a number of persons equal to those nominated by the commissioners of supply, and the meeting shall also name a convener, who shall intimate the names of the persons so nominated to the convener of the county, and shall have power to call similar meetings by such advertisement when occasion shall require. In the event of such election not being intimated to the convener of the county within fifteen days from the date of such meeting, it shall be lawful to the lord lieutenant to nominate from among such occupiers, or owners and occupiers, such number of persons, and intimate the same to the convener of the county.

32 & 33 Vict. c. 70.

(3.) Any such nomination and intimation made for the purposes of the Contagious Diseases (Animals) Act, 1869, shall continue to have effect for the purposes of this Act.

(4.) A local authority may, if they think fit, determine that a certain number of their members, not exceeding one third thereof, shall retire periodically, at intervals of not less than three years, the members so retiring being re-eligible; and the local authority may lay down such rules as they think fit to regulate the time and manner of such retirement.

(5.) Vacancies from time to time happening by retirement, death, resignation, or otherwise among the members of the local authority shall be filled up by the authority and in the manner by and in which the members vacating office were respectively nominated.

(6.) The persons nominated as in this section provided, and the lord lieutenant of the county, the convener of the county, and the sheriff of the county (or in his absence such one of his substitutes as he directs by writing under his hand) for the time being shall constitute the local authority.

(7.) As far as not otherwise provided by this Act, such local authority shall have all the powers conferred on the local authority by this Act, and shall have power to elect a chairman, specify a quorum, and make all regulations necessary for carrying the purposes of this Act into effect.

(8.) The chairman of the local authority, and in default of him the convener of the county, and in default of him any three members of the local authority, may at any time call a meeting of the local authority to be held at such time and place as he or they may fix, and the local authority may adjourn as they from time to time think fit.

Levy and recovery of assessments.

69.—(1.) The local authority in a county shall from time to time give notice to the commissioners of supply of the sums necessary to be provided under the provisions of this Act by means

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of the local rate; and the amount so intimated shall be assessed and collected by the commissioners of supply according to the real rent of lands and heritages as appearing on the valuation roll in force for the year, and shall be paid over to the local authority. A.D. 1878.

(2.) The local authority in a burgh shall in like manner assess and collect the amount required to be raised by local rate within such burgh.

(3.) All such assessments shall be payable one half by the proprietor and one half by the tenant, but may be collected wholly from the tenant, who shall in that case be entitled to deduct one half thereof from the rent payable by him to the proprietor, or wholly from the proprietor, who shall in that case be entitled to relief against the tenant for one half of the assessment.

(4.) All the provisions in regard to the recovery of assessments in the Act of the session of the twentieth and twenty-first years of Her Majesty (chapter seventy-two), "to render more effectual the police in counties and burghs in Scotland," are hereby incorporated in this Part as far as the same are not inconsistent with the provisions of this Part. 20 & 21 Vict. c. 72.

Land.

70. The provisions of Part II. relating to the purchase of land shall have effect as if section ninety of the Public Health (Scotland) Act, 1867, were thereby applied, instead of section one hundred and seventy-six of the Public Health Act, 1875; and in the said section ninety the local authority and local rate under this Part shall be substituted for the local authority and the assessment therein mentioned. Purchase of land. 30 & 31 Vict. c. 101.

Borrowing.

71. The provisions of Part II. relating to borrowing by local authorities shall, as regards Scotland, be modified as follows: Provisions as to borrowing by local authority.

(i.) Those provisions shall have reference to the amount only of the local rate, and not to the proportion thereof.

(ii.) One of Her Majesty's Principal Secretaries of State shall be substituted for the Local Government Board.

(iii.) Borrowing by a local authority shall not be subject to the provisions of the Local Loans Act, 1875; and in lieu thereof the provisions of the Commissioners Clauses Act, 1847, with respect to the mortgages to be executed by the Commissioners, shall, for the purposes of that borrowing, be incorporated with this Act, the local authority being deemed to be the commissioners; and any 10 & 11 Vict. c. 16.

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mortgagee or assignee may enforce payment of his principal and interest by appointment of a judicial factor.

Inspectors.

Powers and qualifications of inspectors.

72.—(1.) An inspector of the Privy Council shall have all the powers of an inspector throughout Scotland or that part thereof for which he is appointed.

(2.) Any person may be appointed and be a Veterinary Inspector in Scotland who holds the Veterinary certificate of the Highland and Agricultural Society of Scotland.

Legal Proceedings.

Recovery and application of penalties, and other matters.

73.—(1.) Penalties for offences against this Act, other than penalties recoverable under the Customs Acts, and expenses by this Act or an Order of Council directed to be recovered summarily, and summary orders under this Act or an Order of Council, may, with expenses, be recovered before, and be made by, two justices under the Summary Procedure Act, 1864, and any Act amending the same.

27 & 28 Vict. c. 53.

(2.) The terms "justice" and "justices" include any magistrate having jurisdiction under the Summary Procedure Act, 1864.

(3.) In the event of any person refusing or delaying to comply with the order of a local authority, the local authority may give information thereof to the procurator-fiscal of the county or burgh, who may apply to the sheriff for a warrant to carry such order into effect, and such warrant may be executed by the officers of court in common form.

(4.) All judicial powers given to justices and quarter sessions or to magistrates in boroughs by this Act may also be exercised by the sheriff or sheriff-substitute of the county.

(5.) An appeal against a conviction under this Act shall be to the Court of Justiciary at the next circuit court, or where there are no circuit courts, to the High Court of Justiciary at Edinburgh, and not otherwise; and such appeal may be made in the manner and under the rules, limitations, and conditions contained in the Act of the twentieth year of the reign of King George the Second, chapter forty-three, "for taking away and abolishing heritable "jurisdictions in Scotland," or as near thereto as circumstances admit; with this variation, that the appellant shall find caution to pay any additional expenses awarded by the court dismissing the appeal.

20 Geo. 2. c. 43.

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(6.) Notwithstanding anything in this or any other Act, the part of every penalty or forfeiture recovered under this Act, except in proceedings under the Customs Acts, which is not in this Act directed to be paid to the person who sues or proceeds for the same, shall be paid as follows:

(*a.*) To the Queen's and Lord Treasurer's Remembrancer, on behalf of Her Majesty, when the court is the sheriff court:

(*b.*) To the collector of county rates, in aid of the county general assessment, when the court is the justice of the peace court:

(*c.*) To the treasurer of the burgh, in aid of the funds of the burgh, when the court is a burgh court:

(*d.*) To the treasurer of the board of police, or commissioners of police, in aid of the police funds, when the court is a police court.

(7.) "Plaintiff" means pursuer, and "defendant" means defender.

(8.) The provisions in Part II. relating to tender and payment into court do not apply to Scotland.

Part IV.—Ireland.

Application of Parts II. and IV. to Ireland.

74.—(1.) Part IV. applies to Ireland.

(2.) Part II. shall also, by virtue of this section, extend to Ireland, subject to Part IV., which shall have effect in substitution for Part II., when so expressed or implied, and otherwise shall have effect in addition to Part II.

Interpretation in Part IV.

75. In Part IV.—

(i.) "Lord Lieutenant" means the Lord Lieutenant or other chief governor or governors of Ireland for the time being:

(ii.) "Chief Secretary" means the Chief Secretary for the time being to the Lord Lieutenant; and any power under this Part vested in the Chief Secretary, except as a Privy Councillor, may in his absence be exercised by the Under Secretary for the time being to the Lord Lieutenant:

(iii.) "Net annual value of property" means the net annual value of property rateable to the relief of the poor according to the valuation in force for the time being:

(iv.) "Union funds" means any money in the hands of the treasurer of a poor law union to the credit of the guardians of the union, and if at any time the assets in the treasurer's hands are not sufficient for any purpose of this Part, then union funds shall be taken to include the moneys next received by the treasurer and placed to the credit of the guardians.

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Lord Lieutenant and Privy Council.

Powers of Lord Lieutenant and Privy Council.

76.—(1.) The powers by Part II. conferred on the Privy Council shall be vested in the Lord Lieutenant acting by the advice of Her Majesty's Privy Council in Ireland, in this Act referred to as the Lord Lieutenant and Privy Council.

(2.) The powers exerciseable under Part II. by the Lord President of the Council, or one of Her Majesty's Principal Secretaries of State, may, in Ireland, be exercised by the Lord Lieutenant, or by the Chief Secretary as a Privy Councillor.

(3.) An order of the Lord Lieutenant and Privy Council under this Part is referred to therein as an Order in Council.

(4.) Subject to the provisions of this Part, the provisions of Part II. relating to the Privy Council, and to Orders of Council, shall apply to the Lord Lieutenant and Privy Council, and to Orders in Council.

Communication of orders from and to Ireland.

77. In order to secure uniformity of action, every Order in Council and every Order of Council made under this Act shall, with all practicable speed, be communicated to the Privy Council, or to the Lord Lieutenant and Privy Council, as the case may be.

Local Authorities.

Constitution of local authorities; lands and borrowing. 34 & 35 Vict. c. 109. 35 & 36 Vict. c. 69. 37 & 38 Vict. c. 93.

78.—(1.) The local authorities shall be the boards of guardians of the several poor law unions.

(2.) The provisions of Part II. relating to the purchase of land by local authorities shall have effect as if instead of section one hundred and seventy-six of the Public Health Act, 1875, there were thereby applied section two hundred and three of the Public Health (Ireland) Act, 1878; and as if the local authority were a rural sanitary authority, and purposes of this Act were purposes for which a rural sanitary authority may acquire land.

(3.) The provisions of Part II. relating to borrowing by local authorities shall have effect as if sections two hundred and thirty-seven to two hundred and forty-six, both inclusive, of the Public Health (Ireland) Act, 1878, were thereby applied instead of the Local Loans Act, 1875, and as if the local authority were a rural sanitary authority, and purposes of this Act were purposes for which a rural sanitary authority may borrow, and as if the Commissioners of Public Works in Ireland were substituted for the Public Works Loan Commissioners.

Provisions applicable

79.—(1.) The Lord Lieutenant and Privy Council may from time to time make such Orders in Council as to them seem fit—

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A.D. 1878.

(i.) For requiring any local authority, on an order of the Lord Lieutenant in that behalf, to appoint from time to time inspectors and valuers for the purposes of this Act: by Order to local authorities.

(ii.) For defining their qualifications and powers and the terms and conditions of their appointments and regulating their duties:

(iii.) For fixing the periods for which they shall be appointed and their remuneration and allowances.

Inspectors.

Qualifications and powers of inspectors.

80.—(1.) The provisions of Part II. requiring local authorities to keep appointed veterinary inspectors shall not extend to Ireland; and the powers and duties by Part II. conferred and imposed on a veterinary inspector shall in Ireland be vested in and discharged by an inspector; but where a person appointed to be an inspector in Ireland has the qualification of a veterinary inspector under this Act, he may be styled a veterinary inspector.

(2.) The Lord Lieutenant and Privy Council may from time to time make such Orders in Council as to them seem fit for uniting two or more poor law unions into a district for the purposes of inspection, and for authorizing or directing the local authorities of those unions to appoint and keep appointed a veterinary inspector for the united district, and for regulating the mode of appointing such inspector, and the amount of his remuneration, and the mode in which the several unions shall contribute thereto, or the Lord Lieutenant may, if he thinks fit, appoint a veterinary inspector for the united district, on such terms and conditions with reference to contribution by the several unions towards the travelling expenses and allowances of the inspector as the Lord Lieutenant thinks fit.

(3.) An inspector appointed by the Lord Lieutenant shall have, throughout Ireland, or that part thereof for which he is appointed, all the powers by Part II. conferred on a Veterinary Inspector of the Privy Council.

Expenses of Local Authorities.

Expenses out of union funds.

81. The remuneration and allowances of an inspector or valuer of a local authority, and all money payable as compensation for animals slaughtered by direction of a local authority, or of their inspector, shall when due be paid by the treasurer of the union out of union funds.

General Cattle Diseases Fund.

Constitution of fund.

82.—(1.) There shall be a General Cattle Diseases Fund for purposes of this Part.

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(2.) Any money at the commencement of this Act standing at the Bank of Ireland to the credit of the Cattle Plague Account shall be transferred to the account of the general cattle diseases fund; and that money shall in the first instance constitute that fund, as if it had been raised under this Act.

(3.) The Chief Secretary may from time to time, as and when he thinks fit, certify to the effect that a sum equivalent to a certain poundage on the net annual value of the property in all the unions is required for the purposes of this Act.

(4.) Thereupon the Local Government Board shall by order under their seal assess that sum on the several unions in proportion to the net annual value of the property therein.

(5.) They shall send copies of the order to the guardians and to the treasurer of each union.

(6.) Thereupon the treasurer of each union shall out of union funds pay over the amount assessed on the union to the Bank of Ireland, to be placed to the general cattle diseases fund.

(7.) The guardians of each union shall debit the several electoral divisions with proportions of that sum, according to the net annual value of the property therein.

(8.) No larger sum shall be levied under this Act at any one time than shall be equivalent to a poundage of one halfpenny in the pound on the net annual value of the property in all the unions; nor shall any larger sum be levied under this Act in the whole than shall be equivalent, taken with any money before the commencement of this Act carried to the cattle plague account, to a poundage of fourpence in the pound on the net annual value of the property in all the unions.

(9.) On receipt of a certificate of the Chief Secretary to the effect that any part of the sum standing to the general cattle diseases fund is not required for purposes of that fund, the Local Government Board shall by order under their seal assign the proportions returnable to the several unions, according to the net annual value of the property therein; and the Bank of Ireland shall, on a direction to that effect from the Chief Secretary, remit the sum so assigned to the treasurers of the unions; and the guardians of each union shall, on receipt of that sum, credit the several electoral divisions with proportions of that sum according to the net annual value of the property therein.

Application of fund.

83.—(1.) The treasurer of a union, on proof to the Chief Secretary of the payment by a local authority of any money for remuneration, allowances, or compensation, in accordance with this Part, shall be entitled to a certificate to that effect, and to an order by

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the Chief Secretary for payment from the general cattle diseases fund of one half of the money so proved to have been paid, subject, in the case of compensation, to all proper deductions for money received by the local authority in respect of animals slaughtered; and the amount so ordered shall be paid to the treasurer accordingly for the union.

(2.) If in any case it is proved to the Chief Secretary that an animal in respect whereof compensation was paid by the treasurer of a union was, within seven days immediately before its slaughter, brought into that union solely for the purpose of being shipped out of Ireland from a port in that union within those seven days, or of being sold at a fair to be held in that union within those seven days, and that neither the owner, nor the person in charge thereof, had been guilty, in relation to it, of any offence against this Act, then the Chief Secretary shall order payment to the treasurer in manner aforesaid of the whole of the money paid in compensation in respect of that animal.

(3.) All expenses incurred by or on behalf of the Lord Lieutenant and Privy Council in the execution of this Part, and not otherwise provided for by this Act, shall be defrayed out of the general cattle diseases fund.

General.

Application of provisions respecting police.

84. The provisions of Part II. relating to the police and to constables shall apply to the members of the Royal Irish Constabulary Force or of the Dublin Metropolitan Police Force.

Recovery of penalties and summary proceedings.

85.—(1.) Proceedings for recovery of penalties for offences against this Act (other than penalties recoverable under the Customs Acts), and proceedings for recovery of expenses by this Act or an Order in Council directed to be recoverable summarily, and proceedings for obtaining summary orders under this Act or an Order in Council, may be taken in a summary manner, according to the provisions of the Summary Jurisdiction Acts, that is, as regards the police district of Dublin Metropolis, the Acts regulating the powers and duties of justices for that district, and as regards other parts of Ireland the Petty Sessions (Ireland) Act, 1851, and any Act affecting or amending the same.

14 & 15 Vict. c. 93.

(2.) The provisions of those Summary Jurisdiction Acts relative to appeals against orders and convictions shall apply to orders and convictions under this Act.

(3.) For the purposes of this Act a court of summary jurisdiction may consist of one or more justices.

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(4.) Penalties so recovered shall be applied as follows, that is to say, a part thereof not exceeding one third may be awarded to the informer, and the rest shall be awarded to the Crown, to be applied in aid of the general cattle diseases fund.

Publication and proof of Orders in Council.

86.—(1.) The Dublin Gazette shall be substituted for the London Gazette.

(2.) A copy of the Dublin Gazette purporting to be printed by the Queen's authority shall be conclusive evidence in all courts and legal proceedings of the date, contents, due making, and publication of any order appearing therein and purporting to be an Order in Council.

(3.) An Order in Council may also be proved by the production of an instrument purporting to be certified to be a true copy thereof by the Clerk of Her Majesty's Privy Council in Ireland, or the person for the time being acting as such; and that instrument shall be conclusive evidence in all courts and legal proceedings of the date, contents, due making, and publication of the order.

Provision for expenses of veterinary department.

87. The Lord Lieutenant, with the approval of the Treasury, may fix the salaries and allowances of the officers and persons acting in execution of this Act in or under the Veterinary Department of Her Majesty's Privy Council Office; and the same, and all charges and expenses incurred in the maintenance and management of that department, shall be paid out of money provided by Parliament.

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SCHEDULES.

THE FIRST SCHEDULE.

ENACTMENTS REPEALED. (Clause 4.)

	I.—ENGLAND AND SCOTLAND.
32 & 33 Vict. c. 70. [9 August 1869]. in part.	The Contagious Diseases (Animals) Act, 1869: Except— (i.) Paragraphs 2, 3, and 4 of section 28 (local), relating to the markets of the mayor, aldermen, and commons of the City of London, with the Fifth Schedule, referred to in that section. (ii.) Sections 100 and 101 (transitory), relating to money borrowed by local authorities before the passing of that Act.
	II.—SCOTLAND.
38 & 39 Vict. c. 75. [11 August 1875.]	An Act to amend the Contagious Diseases (Animals) Act, 1869.
	III.—IRELAND.
11 & 12 Vict. c. 105. [4 September 1848.]	An Act to prohibit the importation of sheep, cattle, or other animals, for the purpose of preventing the introduction of contagious or infectious disorders.
11 & 12 Vict. c. 107. [4 September 1848.]	An Act to prevent, until the first day of September, one thousand eight hundred and fifty, and to the end of the then session of Parliament, the spreading of contagious or infectious disorders among sheep, cattle, and other animals.
16 & 17 Vict. c. 62. [4 August 1853.]	An Act to extend and continue an Act of the twelfth year of Her present Majesty, to prevent the spreading of contagious or infectious disorders among sheep, cattle and other animals.
29 & 30 Vict. c. 4. [6 March 1866.]	The Cattle Disease Act (Ireland), 1866.
33 & 34 Vict. c. 36. [1 August 1870.]	The Cattle Disease (Ireland) Amendment Act, 1870.
35 & 36 Vict. c. 16. [27 June 1872.]	The Cattle Disease (Ireland) Amendment Act, 1872.
37 & 38 Vict. c. 6. [21 May 1874.]	The Cattle Disease (Ireland) Acts Amendment Act, 1874.
39 & 40 Vict. c. 51. [11 August 1876.]	The Cattle Disease (Ireland) Act, 1876.

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THE SECOND SCHEDULE.

(Clauses 7 and 9.)

LOCAL AUTHORITIES IN ENGLAND.

District.	Local Authority.	Local Rate.	Clerk of Local Authority.
I.—Counties, except within the metropolis.	The justices in general or quarter sessions assembled.	The county rate, or rate in the nature of a county rate.	The clerk of the peace.
II.—The City of London and the liberties thereof.	The Corporation of London.	The consolidated rate.	The town clerk.
III.—The metropolis, except the City of London and the liberties thereof.	The Metropolitan Board of Works.	The metropolitan consolidated rate.	The clerk of the Metropolitan Board of Works.
IV.—Boroughs subject to the Municipal Corporation Act, 1835.	The mayor, aldermen, and burgesses acting by the Council.	The borough rate, with the borough fund.	The town clerk.
V.—Other boroughs	The commissioners or other body maintaining the police therein.	The rate applicable by the commissioners or other body to the maintenance of the police.	The clerk of the commissioners or other body.
VI.—The district of the local board of Oxford.	The local board -	The rate leviable by the local board.	The clerk of the local board.

THE THIRD SCHEDULE.

(Clause 19.)

PLEURO-PNEUMONIA.

1. Cattle are not to be moved into or out of a place infected with pleuro-pneumonia, except where, as regards movement into such a place, the cattle are affected with pleuro-pneumonia, and except in such other cases as the Privy Council think fit from time to time by general Order to except.

2. In the cases so excepted by Order cattle may be moved into or out of an infected place on conditions prescribed by general or special Order of Council, and not otherwise.

3. Cattle may be moved into, in, or out of such parts of an area infected with pleuro-pneumonia as are not comprised in a place infected with pleuro-pneumonia, by licence of the local authority, granted on conditions prescribed by general Order of Council, and not otherwise.

4. Nothing in this Schedule restricts movement of cattle in a place infected with pleuro-pneumonia.

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5. No market, fair, exhibition, or sale of cattle is to be held in an area infected with pleuro-pneumonia, except by licence of the Privy Council, granted for the particular market, fair, exhibition, or sale. A.D. 1878.

THE FOURTH SCHEDULE.

FOOT-AND-MOUTH DISEASE. (Clause 24.)

1. Animals are not to be moved into or out of a place infected with foot-and-mouth disease, except where, as regards movement into such a place, the animals are affected with foot-and-mouth disease, and except in such other cases as the Privy Council think fit from time to time by general Order to except.

2. In the cases so excepted by Order animals may be moved into or out of an infected place on conditions prescribed by general or special Order of Council, and not otherwise.

3. Animals may be moved into, in, or out of such parts of an area infected with foot-and-mouth disease as are not comprised in a place infected with foot-and-mouth disease, by licence of the local authority, granted on conditions prescribed by Order of Council, and not otherwise.

4. Nothing in this Schedule restricts movement of animals in a place infected with foot-and-mouth disease.

5. No market, fair, exhibition, or sale of animals is to be held in an area infected with foot-and-mouth disease, except by licence of the Privy Council, granted for the particular market, fair, exhibition, or sale.

THE FIFTH SCHEDULE.

FOREIGN ANIMALS.

I.—*Slaughter at Port of Landing.* (Clause 33.)

1. Foreign animals are to be landed only at a part of a port defined for that purpose by special Order of Council, to be called a foreign animals wharf.

2. They are to be landed in such manner, at such times, and subject to such supervision and control as the Commissioners of Customs from time to time direct.

3. They are not to be moved alive out of the wharf.

II.—*Quarantine.*

4. The foregoing provisions of this Schedule (under the head of Slaughter at Port of Landing) do not apply to animals intended for exhibition or for other exceptional purposes; and in lieu thereof the subsequent provisions of this Schedule (under the head of Quarantine) apply to those animals.

5. Those animals are to be landed only at a part of a port defined for that purpose by special Order of Council, to be called a foreign animals quarantine station.

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A.D. 1878.

6. They are to be landed in such manner, at such times, and subject to such supervision and control as the Commissioners of Customs from time to time direct, and subject to such conditions in respect of the animals, or of the vessel from which they are landed, as the Privy Council from time to time by general Order prescribe.

7. When landed they are to be placed in sheds or other receptacles in the quarantine station, prepared by the local authority or the owners of the quarantine station, or the consignees of animals or other persons, and approved by the Privy Council.

8. Any such animal is not to be moved out of the quarantine station except on conditions prescribed by general or special Order of Council.

9. Notwithstanding anything in the foregoing provisions of this Schedule (under the head of Quarantine), the provisions of this Act relating to slaughter in case of the existence of disease, and to compensation or other payment in respect of animals so slaughtered, and to the ownership of carcases of such animals, shall apply to animals in a foreign animals quarantine station.

III.—*Channel Islands and Isle of Man.*

10. In relation to animals brought from the Channel Islands or the Isle of Man, the Privy Council may from time to time, if they think fit, by general or special Order or by licence, alter or add to the provisions of this Schedule relating to slaughter or to quarantine, as the case may require.

IV.—*Other Foreign Countries.*

11. In relation to foreign animals, other than those brought from the Channel Islands and the Isle of Man, if, and as long as, from time to time, the Privy Council are satisfied, with respect to any foreign country, that the laws thereof relating to the importation and exportation of animals, and to the prevention of the introduction or spreading of disease, and the general sanitary condition of animals therein are such as to afford reasonable security against the importation therefrom of diseased animals, then, from time to time, the Privy Council by general or special Order, shall allow animals, or any specified kind of animals, brought from that country, to be landed, without being subject, under the provisions of this Schedule to slaughter or to quarantine, and may for that purpose alter or add to those provisions, as the case may require; but every such Order shall forthwith, after the making thereof, if Parliament is then sitting, and, if not, then forthwith after the next meeting of Parliament, be laid before both Houses of Parliament.

THE SIXTH SCHEDULE.

(Clause 36.)

COMMITTEES OF LOCAL AUTHORITIES.

1. Each local authority shall form and keep up a committee or committees, and may appoint the number of members by whom the powers of a committee may be exercised, and may at any time add to or diminish the number of the members of a committee, or otherwise alter the constitution thereof, and fill up

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or provide for the filling up of vacancies therein, or revoke the appointment thereof and appoint another committee or committees, and lay down rules for the guidance of a committee, who shall act accordingly.

2. Each committee may consist wholly of members of the local authority, or partly thereof, and partly of other persons, being rated occupiers in the district of the local authority, and otherwise qualified as the local authority think fit.

3. A local authority may delegate all or any of their powers, except the power to make a rate, to a committee, with or without conditions or restrictions.

4. A local authority may revoke or alter any power given by them to a committee.

5. A local authority may, if they think fit, appoint and designate one committee as their executive committee.

6. An executive committee shall have all the powers of the local authority, except the power to make a rate, and may, if they think fit, appoint a sub-committee or sub-committees, and delegate to them all or any of the powers of the executive committee, with or without conditions or restrictions, and from time to time revoke or alter any such delegation, and appoint the number of members by whom the powers of a sub-committee may be exercised, and add to or diminish the number of the members of a sub-committee, or otherwise alter the constitution thereof, and fill up or provide for the filling up of vacancies therein, or revoke the appointment thereof and appoint another sub-committee or other sub-committees, and lay down rules for the guidance of a sub-committee, who shall act accordingly.

7. Proceedings of a committee or sub-committee shall not be invalidated by any vacancy in the committee or sub-committee, or, in the case of a committee appointed by the local authority for a county, by the termination of the session at which they were appointed.

8. In case of the formation of two or more committees, they shall act according to rules laid down for their guidance by the local authority.

9. A committee, and a sub-committee of an executive committee, may elect a chairman of their meetings.

10. If no chairman is elected, or if the chairman so elected is not present at the time appointed for a meeting, the members then present shall choose a chairman for that meeting.

11. A committee or sub-committee may meet and adjourn as they think proper.

12. Every question at a meeting of a committee or sub-committee shall be determined by a majority of the votes of the members, including the chairman, present and voting on the question; and in case of equal division, the chairman shall have a second vote.

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THE SEVENTH SCHEDULE.

(Clause 66.)

LOCAL AUTHORITIES IN SCOTLAND.

District.	Local Authority.	Local Rate.	Clerk of Local authority.
I.—Counties, including any town or place which does not return, or contribute to return, a member to Parliament.	The persons appointed as provided in Part III.	Rate appointed to be levied in Part III.	The clerk of supply.
II.—Burghs which return, or contribute to return, a member to Parliament.	The magistrates and town council.		The town clerk.

1. In and for purposes of this Schedule and Part III. "county" does not include county of a city.

2. For purposes of Part III. the burgh of Maxwelltown is part, not of the parliamentary burgh of Dumfries, but of the stewartry of Kirkcudbright.

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Contagious Diseases (Animals). [H.L.]

A

B I L L

[AS AMENDED IN COMMITTEE]

INTITULED

An Act for making better provision respecting Contagious and Infectious Diseases of Cattle and other Animals; and for other purposes.

(*Brought from the Lords* 3 *June* 1878.)

Ordered, by The House of Commons, *to be Printed*, 31 *July* 1878.

[Bill 286.]

Under 7 oz.

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Lords Reason for disagreeing to one of the Amendments made by the Commons to the Contagious Diseases (Animals) Bill.

The Lords propose to amend the amendment made by the Commons in page 3, line 15, by leaving out the words ("other qualified "veterinary surgeon,") and inserting the words ("veterinary prac- "titioner qualified as")

The Lords propose in page 4, line 17, after ("having") to insert ("for the time being"), the same being consequential on the Commons amendment in the preceding line.

The Lords disagree to the amendment made by the Commons in page 22, line 23, for the following Reason:—

> Because this amendment has been made by an apparent mistake in a clause to which it has no relation, and substantially the same amendment is properly made in page 24, line 19.

With the above exceptions, the Lords agree to all the amendments made by the Commons without amendment.

[Bill 297.]

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Lords Reason for disagreeing to one of the Amendments made by the Commons to the Contagious Diseases (Animals) Bill.

Ordered, by The House of Commons, *to be Printed*,
9 *August* 1878.

[Bill 297.]

Under 1 *oz.*

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A

B I L L

FOR

The repeal of the Act of the Irish Parliament, the Thirty-third George the Third, chapter Twenty-nine, intituled An Act to prevent the Election or Appointment of Unlawful Assemblies. A.D. 1878.

WHEREAS it is expedient that the law of Ireland with reference to public meetings should be assimilated to that of England:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. A certain Act of the Parliament of Ireland, passed in the thirty-third year of His late Majesty King George the Third, intituled "An Act to prevent the Election or Appointment of Unlawful Assemblies," shall be and is hereby repealed. Repeal of the Act of the Parliament of Ireland, 33 Geo. 3. c. 29.

2. This Act may be cited for all purposes as the Convention (Ireland) Act Repeal Act. Short title.

[Bill 113.]

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Convention (Ireland) Act Repeal.

A

B I L L

For the repeal of the Act of the Irish Parliament, the Thirty-third George the Third, chapter Twenty-nine, intituled An Act to prevent the Election or Appointment of Unlawful Assemblies.

(*Prepared and brought in by Mr. P. J. Smyth, Mr. Stacpoole, Mr. Downing, Dr. Brady, Mr. O'Connor Power, and Mr. O'Clery.*)

Ordered, by The House of Commons, *to be Printed*, 13 *February* 1878.

[Bill 113.]

Under 1 *oz.*

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B I L L

FOR

Authorising the Commissioners of Her Majesty's Treasury to compound the Debt due to the Consolidated Fund in respect of Conway Bridge, and for other purposes relating thereto. A.D. 1878.

WHEREAS by an Act of the session of the first and second years of the reign of King George the Fourth, chapter thirty-five, intituled "An Act for applying a certain sum of money out of the "Consolidated Fund of the United Kingdom of Great Britain and "Ireland for the purpose of building a bridge over the River Conway, "in the county of Carnarvon, and for imposing additional rates of "postage on letters and packets conveyed over the said bridge," the Commissioners of Her Majesty's Treasury (in this Act referred to as the Treasury) were authorised to advance out of the Consolidated Fund to certain commissioners appointed for the execution of the Act, sums not exceeding in the whole forty thousand pounds for defraying the expense of constructing a bridge over the river Conway near Conway Castle, and for the purchase of a ferry over the river there, and by the same Act Her Majesty's Postmaster-General is required to charge on all letters and packets conveyed by post by way of Conway and Chester the additional rates and duties in the said Act specified, and the net proceeds of those rates and duties were to be paid into the Exchequer and applied in payment of the interest and principal of the sums so advanced out of the Consolidated Fund:

And whereas the said bridge with its approaches and appurtenances (in this Act referred to as Conway Bridge) was constructed, and for the purpose of such construction sums amounting to forty thousand pounds were advanced out of the Consolidated Fund by the Treasury:

And whereas by virtue of divers Acts of Parliaments Conway Bridge is now vested in the Commissioners of Her Majesty's Works and Public Buildings, and those Commissioners manage, repair, and maintain the said bridge and receive the revenue arising from tolls

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A.D. 1878.

or otherwise in respect of the same, and, after deducting from that revenue the expenses of the management, repair, and maintenance of the bridge, pay the residue into the Exchequer:

3 & 4 Vict. c. 96.

And whereas by the Post Office Duties Act, 1840, so much of the above recited Act as required additional rates of postage to be charged was repealed, and by reason of such repeal and other circumstances the revenue has so much diminished, although the tolls are maintained at a high rate, that the net revenue has been insufficient for many years to pay the interest on the said loan of forty thousand pounds, and consequently large arrears of interest, as well as the whole of the principal, remain due and unpaid in respect of that loan:

And whereas application has been made to the Treasury to compound the said debt of forty thousand pounds and the arrears of interest thereon upon the immediate payment of ten thousand pounds, and upon the Commissioners of Her Majesty's Works and Public Buildings being relieved from the liability to manage, repair, and maintain Conway Bridge:

And whereas a Bill is now pending in Parliament for the transfer of Conway Bridge to Commissioners to be constituted under the Bill, and for the reduction of the tolls on the bridge, and such transfer will relieve the Commissioners of Her Majesty's Works and Public Buildings from the liability to manage, repair, and maintain the bridge:

And whereas it is expedient to authorise the Treasury in the event of such Bill passing into law to compound the said debt and arrears of interest:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Conway Bridge Composition of Debt Act, 1878.

Power to the Treasury to compound debt upon Conway Bridge.

2. If an Act is passed in the present session of Parliament for transferring Conway Bridge from the Commissioners of Her Majesty's Works and Public Buildings to commissioners, or any other body of persons or corporation, then upon payment to the Treasury of *ten thousand pounds within twelve months after the passing of such Act* the Treasury may discharge the principal debt of forty thousand pounds due in respect of Conway Bridge, and all interest due thereon, and upon such discharge the Commissioners of Her Majesty's Works and Public Buildings shall be relieved from all liability in respect of Conway Bridge, whether on account of the management, repair, or maintenance thereof, or otherwise howsoever.

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Conway Bridge (Composition of Debt).

A

B I L L

For authorising the Commissioners of Her Majesty's Treasury to compound the debt due to the Consolidated Fund in respect of Conway Bridge, and for other purposes relating thereto.

(*Prepared and brought in by Sir Henry Selwin-Ibbetson, and Mr. Gerard Noel.*)

Ordered, by The House of Commons, *to be Printed*, 11 *April* 1878.

[Bill 150.]

Under 1 *oz.*

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LORDS AMENDMENTS

TO THE

CONWAY BRIDGE (COMPOSITION OF DEBT) BILL.

Note.—*The page and line refer to the Bill* (111.) *as first printed by the Lords.*

Page 2.

Line 22, leave out ("a Bill is now pending in") and insert ("an "Act has been passed in the present session of"), and after ("Parliament") insert ("by the title of the Conway Bridge "Act, 1878,")

Lines 28 and 29, leave out ("in the event of such Bill passing "into law")

Line 37, leave out from the beginning of Clause 2 to ("upon") in line 40.

Line 42, leave out ("such Act") and insert ("the Conway "Bridge Act, 1878,")

[Bill 248.]

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Corrib (Galway) River Act, 1878.

A

B I L L

For the appointment of Trustees to maintain certain works executed near the River Corrib in the county of Galway; and for other purposes.

(*Prepared and brought in by Sir Henry Selwin-Ibbetson and Mr. James Lowther.*)

Ordered, by The House of Commons, *to be Printed,* 20 *June* 1878.

[Bill 225.]

Under 1 *oz.*

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A

B I L L

FOR

The appointment of Trustees to maintain certain works executed near the River Corrib in the county of Galway; and for other purposes. A.D. 1878.

WHEREAS under an Act of the session holden in the fifth and sixth years of Her present Majesty, chapter eighty-nine, intituled "An Act to promote the Drainage of Lands, and Improve-" ment of Navigation and Water Power in connexion with such " Drainage, in Ireland" (herein-after referred to as "the Act of " 1842"), and the Acts amending the same, the Commissioners of Public Works in Ireland have executed works for the improvement of the water power of certain mills situate on each side of the river Corrib, in the county of Galway, and have made their final award, dated the fourth day of April one thousand eight hundred and sixty, (herein-after referred to as "the award of 1860,") specifying, among other things, the works so executed, the mills and lands (herein-after referred to as "the mills") chargeable with the moneys expended on the said works, and the proportion in which the mills are to be charged for the maintenance of the said works:

And whereas by the Act of 1842 it is provided that where no navigation has been improved or formed in connexion with drainage, or where no reservoir has been constructed under the provisions of that Act, the Commissioners shall within three months at least after the date of their award call a meeting of proprietors in order to make choice of trustees for the maintenance of works executed under that Act: 5 & 6 Vict. c. 89. s. 120.

And whereas by section fourteen of an Act of the session holden in the eighteenth and nineteenth years of Her present Majesty, chapter one hundred and ten, intituled "An Act to authorise the " Application of certain Sums granted by Parliament for Drainage " and other Works of public Utility in Ireland, towards the Com-" pletion of certain Navigations undertaken in connexion with 18 & 19 Vict. c. 110. s. 14.

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A.D. 1878.

" Drainages, and to amend the Acts for promoting the Drainage " of Lands, and Improvements in connexion therewith, in Ireland," it is enacted that the provisions of the Act of 1842, or any of the Acts amending the same, as far as regards the appointment of trustees for the maintenance of works of drainage, and the several powers and authorities of such trustees when so appointed, shall be held and deemed equally to apply to all works of drainage, though a navigation may have been improved or formed, or a reservoir may have been formed in connexion with such drainage:

And whereas doubts have been entertained whether the said enactments authorised the appointment of trustees for the maintenance of the said works, and the time within which such appointment, if so authorised, might have been made, has long since lapsed:

And whereas it is expedient that provision be made for the appointment of trustees having power to maintain the said works, and to levy the rates necessary for the maintenance thereof:

And whereas the objects aforesaid cannot be attained without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Corrib (Galway) River Act, 1878.

Meaning of "proprietor." See 5 & 6 Vict. c. 89. s. 23. 8 & 9 Vict. c. 69. s. 21.

2. In and for the purposes of this Act, any person entitled to any of the mills or any part thereof for a term of years whereof fourteen or more are at the time being unexpired shall be deemed to be a proprietor of the mill or part, but, subject as aforesaid, the same persons shall be deemed to be the proprietors of the mills as are, under the Act of 1842 and the amending Acts, to be deemed the proprietors of the lands therein referred to, and the term "land" as used in those Acts shall include the mills.

Appointment and powers of trustees for maintenance of water-power works. See 5 & 6 Vict. c. 89. ss. 106, 110, 120, 121.

3. The Commissioners of Public Works in Ireland shall, within three months after the passing of this Act, or within such further time as the Commissioners of Her Majesty's Treasury direct, call a meeting of the proprietors of the mills in order to elect trustees for the execution of this Act.

The meeting shall be called by notice inserted once in each week for three successive weeks in some newspaper or newspapers usually circulating in the vicinity of the mills and posted in the usual places for posting grand jury notices in every barony, county of a city, or county of a town in which any part of the mills is situate.

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The trustees shall be not less than three nor more than nine in number, and shall be elected by the proprietors of the greater portion of the mills in value (such value to be calculated according to the proportions in which the mills are by the award of 1860 directed to be charged for the maintenance of the works therein referred to) or by the assent of such proprietors certified in writing under their hands in books to be kept for the purpose.

The trustees for the time being under this Act shall have full power to repair, support, alter, and maintain the works specified in the award of 1860, and for that purpose to execute all such works as they think necessary or expedient, and to raise the requisite money by means of maintenance rates levied on the proprietors of the mills.

The trustees under this Act shall be styled the Galway Mills trustees. They may sue or be sued in the name of their secretary or engineer for the time being, and any legal proceedings taken by or against them shall not abate by reason of their secretary or engineer dying or ceasing to hold office.

Subject to the provisions of this Act, all the provisions of the Act of 1842 and the amending Acts with respect to the election, tenure of office, powers, rights, privileges, duties, and liabilities of trustees elected or appointed under the Act of 1842 shall apply to the trustees under this Act.

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Corrib (Galway) River Act, 1878.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

For the appointment of Trustees to maintain certain works executed near the River Corrib in the county of Galway; and for other purposes.

(*Prepared and brought in by Sir Henry Selwin-Ibbetson and Mr. James Lowther.*)

Ordered, by The House of Commons, *to be Printed*, 16 *July* 1878.

[Bill 265.]

Under 1 *oz.*

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County Boards (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. An elective board substituted for grand jury.
2. Board to consist of twenty-four members.
3. County to be divided into board districts.
4. Determination of number of members to be allotted to each district.
5. Qualification of board members.
6. Qualification of voter.
7. Date of election.
8. Notice of election.
9. Mode of nomination.
10. Returning officer to decide on validity of nomination paper.
11. Candidate may resign.
12. If more candidates than local members to be returned, poll to be adjourned.
13. Voting to be by ballot.
14. Ballot-boxes may be forwarded by post.
15. Votes to be counted as provided by Ballot Act.
16. Returning officer to return board members.
17. County board a body politic.
18. Meetings of county board.
19. Acts of board valid when not complete.
20. Officers of grand jury transferred to county board.
21. Constabulary to post notices.
22. Corrupt Practices Municipal Act, 1872, incorporated with Act.
23. Ballot Act, 1872, incorporated with Act.
24. Ballot papers to be dealt with as in Ballot Act.
25. Barony constable to assist.
26. Dates to be altered.
27. Elections not to be held on Sunday.
28. Returning officer entitled to expenses.

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Clause.

29. County board to present for expenses.
30. No paid agents.
31. Sheriff returning officer.
32. Sections of Commissioners Clauses Act incorporated.
33. Lord Lieutenant to make orders.
34. Orders to be laid before Parliament.
35. Meaning of terms.
36. Title of Act.
37. Act may be amended.
38. Extent of Act.

SCHEDULES.

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A

B I L L

TO

Provide Elective County Boards in Ireland. A.D. 1878.

WHEREAS it is expedient that the control of the money raised for local purposes in the different counties of Ireland by the county cess and similar rates should be under the supervision and direction of persons elected by those who pay such rates:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; that is to say,

An elective board substituted for grand jury.

1. A board shall be established in each county in Ireland to be called the county board of such county, and from and after the establishment of such county board all powers and duties vested in or imposed on the grand jury of such county by the several Acts of Parliament mentioned in the first schedule annexed hereto shall be transferred to and imposed on the said county board, and shall cease to be exercised or performed by such grand jury, and except as otherwise provided by this Act, shall be exercised and performed by such county board in like manner and form and subject to the same conditions, liabilities, and incidents respectively as such powers and duties might before the passing of this Act have been exercised and performed by such grand jury or by the authorities in whom the same were then vested respectively, or as near thereto as circumstances admit.

Board to consist of twenty-four members.

2. The county board shall consist of twenty-four board members, to be elected as afterwards provided.

Eight of the so elected twenty-four board members shall retire each year, but shall be capable of re-election.

County to be divided into board districts.

3. The Lord Lieutenant by and with the advice of the Privy Council in Ireland shall before the *first of October one thousand eight hundred and seventy-eight* divide each county in Ireland into board districts for the election of board members, and may after such

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A.D. 1878.

division alter same at the recommendation of the county board for such county. In making such division or alterations the Lord Lieutenant shall make each board district to consist of one or more polling districts, as constituted by the Ballot Act, 1872. The number of board districts shall not in any county exceed eight.

Determination of number of members to be allotted to each district.

4. The Lord Lieutenant, by and with the advice of the privy council in Ireland, shall before the *first of October one thousand eight hundred and seventy-eight* determine and may from time to time alter, at the recommendation of the county board, the number of board members to be elected from each board district. Such number being, however, either not less than three or more than six. In making such allotments the Lord Lieutenant shall as far as possible allot to each board district board members in the same proportion to the twenty-four to be returned for the county which the number of voters in such board district bears to the whole number of voters in the county in which such district is situated.

Qualification of board members.

5. Every person shall be capable of being elected a board member for any county board who shall be at the time of such election a registered voter for candidates for parliamentary elections for the county for which such board is constituted, or who shall be a peer owning or occupying any real property within the county.

Qualification of voter.

6. At every election of board members for a county board in any board district every person who shall then be a registered voter in such district for candidates for parliamentary elections shall be entitled to vote for the board members allotted to such district. No person shall be entitled to vote at more than one polling place in the county at any election. Every person qualified to vote shall be entitled to vote for a number of candidates equal to the number of board members to be returned at the time of such election by the district in which he votes.

Date of election.

7. On the *first day of November one thousand eight hundred and seventy-eight*, the twenty-four board members for the ensuing year, to be counted from the *first day of November*, shall be elected. On the *first day of November* in every subsequent year the eight board members to be elected in place of those retiring by rotation shall be elected.

Notice of election.

8. The returning officer shall on the *twentieth day of October* in every year prepare and issue a notice in the form to be approved of by the Lord Lieutenant and the Privy Council, and shall cause such notice to be duly posted on every church and other place of worship, and also on every courthouse, police station, market-place, and other usual place for posting public notices, that on the *first*

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A.D. 1878.

day of November next he shall proceed to the election of board members, and will up to four o'clock on the *first day of November* receive nominations for candidates for election for the different board districts of said county for which board members are to be elected. The notice to be published on the *twentieth of October* one thousand eight hundred and seventy-eight shall state that twenty-four board members are to be elected, and also the number of board members to be elected by each district, specifying same. The notice to be published in every year subsequent to the *twentieth of October* one thousand eight hundred and seventy-eight shall state the number of board members to be elected in place of those retiring by rotation, the districts for which they are to be elected, and the names of the board members then going out of office.

Mode of nomination.

9. Every nomination shall be in writing and in the form in the second schedule hereto. Every such nomination paper shall be signed by two voters as proposer and seconder. Every such nomination paper shall be delivered to the returning officer at the usual place for holding parliamentary elections for the county for which the board is to be constituted, or to such other persons as he may appoint to receive the same if he thinks fit in the different board districts. Such nomination papers may be transmitted by post.

Returning officer to decide on validity of nomination paper.

10. The returning officer shall carefully preserve every nomination paper received by him, and on the receipt thereof shall mark on each a number and date according to the order in which the same shall be received. He shall also compare each nomination paper with the registry of voters and ascertain whether the several persons mentioned in each nomination paper are in all respects duly qualified to nominate and be nominated respectively. In the event of his considering any nomination paper informal, he shall within one hour after receipt of same put on the door of courthouse that he has rejected such nomination paper, and state the reason for doing so.

The returning officer shall decide on the validity of every objection made to a nomination paper, and his decision of rejecting the objection shall be final; but if allowing the same shall be subject to reversal on petition questioning the election or return.

Candidate may resign.

11. If any person put in nomination for the office of board member shall at any time before four o'clock on the *first day of November* duly tender to the returning office his refusal in writing to such office the returning officer shall omit and strike out the name of such person from the list of candidates.

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If more candidates than local members to be returned, poll to be adjourned.

12. On the *first day of November* in every year if the candidates for any board district shall not exceed the number of board members to be then elected for such district, the returning officer shall on said day declare such candidates except such as may have declined to act to be the board member for such district, and shall certify the same accordingly. When the candidates duly nominated for any board district shall exceed the number of board members to be elected for such district, the returning officer shall on the *first day of November* adjourn the poll for such board districts to that day week. If for any board district no candidates are nominated or not a sufficient number to fill up the vacancies in such district, the returning officer shall return as many of the outgoing board members of such district as board members for the ensuing year for such district as necessary to make the prescribed number of board members for such district complete. In making such returns the returning officer shall select those who at the then last contested election for such district received the greater number of votes.

Voting to be by ballot.

13. The poll at any contested election for board members shall be conducted by the returning officer, and shall so far as circumstances admit, be conducted in the manner in which the poll is under the Ballot Act 1872 directed to be conducted at all contested parliamentary elections, subject to the modifications contained in this Act, and shall be by ballot; and such provisions of the Ballot Act, 1872, as relate to or are concerned with the poll at a parliamentary election shall apply to a poll at a contested county board election: Provided as follows, the term "petition questioning the election or return" shall mean any proceeding in which a county board election can be questioned.

Each voter shall vote at the polling place at which he would be entitled to vote in a parliamentary election, and the returning officer shall make arrangements for receiving votes at each parliamentary polling place in those board districts of which the representation is contested.

Ballot-boxes may be forwarded by post.

14. The several ballot-boxes used in the different polling places shall be forwarded to the returning officer in such manner as the Lord Lieutenant shall direct with the advice of his Privy Council. It shall be lawful for the Lord Lieutenant to authorise the ballot-boxes to be transmitted by post subject to such regulations as he shall think fit.

Votes to be counted as provided by Ballot Act.

15. On the *tenth day of November* and from that day continuously the receiving officer shall proceed to count the votes for the different candidates for board districts. If all the ballot-boxes have not

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then arrived the receiving officer may adjourn such counting for such time as he thinks fit. The votes shall be counted, so far as circumstances admit, as is provided in the case of parliamentary elections by the Ballot Act, 1872, and such provisions of said Act as relate to or are concerned with the counting at a parliamentary election shall apply to the counting at a contested county board election.

Returning officer to return board members.

16. As soon as such counting shall have taken place, or in the event of there being no contest for any board district on the *first day of November*, the returning officer shall make a return under his hand and seal in the manner to be appointed by the Lord Lieutenant with the advice of his Privy Council of the name of every board member whom he shall declare to be returned.

In the case of a contest for any board district the names of all candidates and the number of votes they received shall be returned. In case there shall have been no candidates for any board district, or in case the number of candidates shall be less for any board district than the number of local members to be returned for such district, this fact shall be so stated. The returning officer shall forthwith publish such return. As soon as the receiving officer shall have signed such return in manner aforesaid the members so returned shall be deemed board members of the county board for the ensuing year. The return when made shall be given to the secretary of the county board, who is to preserve same. The returning officer shall transmit a duplicate of such return to the clerk of the hanaper.

The county board in each county shall be deemed to be established as soon as the returning officer of such county makes a return as aforesaid.

In case of an equality in the number of votes for any two or more candidates the returning officer, if necessary, to prevent an excess in the number of board members for any board district shall decide by lot which of such candidates are to be elected.

County board a body politic.

17. The county board for every county while so acting shall be and are hereby declared to be a body politic and corporate, and shall be called by the name of the "County Board for the County of_____," and are hereby authorised and enabled by that name to sue and be sued, plead and implead in law and equity.

Meetings of county board.

18. The county board shall meet at such times and at such places as shall be enjoined by order of the Lord Lieutenant with the advice of the Privy Council.

The county board shall during the time of the assizes transact no fiscal business without the permission of the judge of assizes as

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A.D. 1878.

heretofore obtained by the grand jury. The county board shall during each assizes transmit to the judge of assizes any presentments they may have agreed to in the same manner that same have heretofore been transmitted by the grand jury.

Acts of board valid when not complete.

19. In case the full number of board members shall not be elected at any election of board members for the time being, or in the event of any vacancy occurring in such county board by the death or disqualification to act of any board member, the other or remaining board members of the said county shall continue to act until the next election, or until the completion of such board, as if no such vacancy occurred, and as if the number of such board were complete.

Officers of grand jury transferred to county board.

20. In every county all officers, clerks, barony constables, the present secretary of the grand jury, and all other persons employed in or about the execution of the powers and duties by this Act transferred to the county board, shall, from and after the *eighth day of November one thousand eight hundred and seventy-eight*, be attached to and under the control of the county board for such county.

Constabulary to post notices.

21. The nominating officer shall be entitled to require the constabulary of the county in which any election may take place to post all notices required to be given for the carrying out of this Act.

Corrupt Practices Municipal Act, 1872, incorporated with Act.

22. The Corrupt Practices Municipal Act, 1872, shall be incorporated with this Act: Provided as follows,—

"Borough" includes county.

"Office" includes sheriff, sub-sheriff, and board member.

"Town clerk" includes clerk of the peace.

"Borough rate or fund" includes rate under the sixth and seventh William the Fourth, chapter one hundred and sixteen.

"Register" includes the different parliamentary voting lists for the polling districts which form any board district.

Ballot Act, 1872, incorporated with Act.

23. The Ballot Act, 1872, shall be incorporated herewith: Provided as follows,—

(*a.*) In Part III. the expression "municipal" includes county board:

(*b.*) In the application of the provisions of the first schedule of the Ballot Act, 1872, to county board elections, the following modifications shall be made. 1. An order of the civil bill court having jurisdiction in the county or any part thereof, or of any tribunal in which a county board election is questioned, shall be substituted for an order of the House of Commons, or of one of Her Majesty's superior

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courts, but an appeal from such civil bill court may be had in like manner as in other cases in such civil bill court; 2. Nothing in such schedule with respect to time to elapse from day of poll to day of nomination shall apply to a county board election. A.D. 1878.

The returning officer shall have a similar right to require the use of any room and of any ballot-boxes, as provided by sections six and fourteen of such Act for parliamentary elections.

Ballot papers to be dealt with as in Ballot Act.

24. The returning officer shall forward all ballot papers and all other documents connected with the election to the clerk of the hanaper office, and transfer in the same manner all such documents as are directed to be forwarded in contested parliamentary elections by the Ballot Act, 1872, all which documents shall be dealt with and liable to be produced and inspected so far as circumstances admit in the same way and manner as such documents are now dealt with by the Ballot Act, 1872.

Barony constable to assist.

25. The returning officer shall be entitled to require any barony constable in the county for which an election is being held to preside for him at any polling station on payment to him of the sum of *one guinea*.

Any barony constable neglecting to preside when so required shall be liable to pay to the returning officer whatever sum such officer may have had to pay a deputy to preside in his place. Such sum may be recovered before the chairman of the Civil Bill Court of such county.

Dates to be altered.

26. All dates in this Act on which matters are ordered to be done may from time to time be altered by the Lord Lieutenant, with the advice of his Privy Council, at the recommendations of the county board for the county for which such alteration is made.

Elections not to be held on Sunday.

27. In every case where any date on which any matter or thing ordered to be done under this Act shall fall on a Sunday, such matter or thing shall be done on the following day.

Returning officer entitled to expenses.

28. The county board shall pay to the returning officer the expenses of carrying out an election under this Act. Such expenses shall not exceed for each polling place in the county the sum of three pounds.

County board to present for expenses.

29. It shall and may be lawful for the county board of each county, and such county board is hereby required to present (without previous application to presentment sessions), to be raised off such county, such sum as the returning officer may be entitled to for expenses in carrying out elections under this Act.

No paid agents.

30. No candidate shall be allowed to employ any paid agent as a canvasser on his behalf. The election of any candidate who employs such an agent shall be void.

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A.D. 1878.

Sheriff returning officer.

31. The sheriff of each county shall be the returning officer for the election of the county board.

Sections of Commissioners Clauses Act incorporated. 10 Vict. c. 16.

32. The following sections of the Commissioners Clauses Act, 1847, shall be incorporated in this Act, sections 2, 3, sections 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 25, 32, 33, 34, 37, 38, 39, 48, 49, 50, 51, 52, 53, 55, 56, 60, 62, 64, 96, 97, 98, 99, 100, 101: Provided as follows in the above sections: commissioner includes board member; ward includes board district; annual meeting shall mean first meeting in each year of board members after their election. In section 17, for first Thursday of September shall be substituted first of November. In section 20, commissioners shall mean twenty-four elected commissioners.

Lord Lieutenant to make orders.

33. The Lord Lieutenant with the advice of the Privy Council in Ireland may and is hereby required on or before the *twentieth day of October one thousand eight hundred and seventy-eight* to make general orders for the purpose of carrying this Act into effect and for regulating the forms and procedure at board elections: Provided always, that in making such general orders regard shall be had to preserving the secrecy of the ballot.

Orders to be laid before Parliament.

34. All such general orders as aforesaid shall immediately after the making and issuing thereof be laid before both Houses of Parliament if then sitting; or if Parliament be not then sitting, within five days after the next meeting thereof: Provided always, that if either of the Houses of Parliament shall by any resolution passed within thirty-six days after such general orders have been laid before such Houses of Parliament, resolve that the whole or any part of such general orders ought not to continue in force, in such case the whole, or such part thereof as shall be so included in such resolution, shall from and after such resolution cease to be binding.

Meaning of terms.

35. The following words or expressions in this and any Act incorporated therewith, and in any Act mentioned in the first schedule hereto, shall have the several meanings hereby assigned to them, unless there be something in the subject or the context repugnant to such construction; (that is to say),

Secretary or secretary to general jury includes secretary to county board:

Real property shall include chattels real:

Registry of voters, registry of voters for parliamentary elections.

Title of Act.

36. This Act may be cited as the County Board (Ireland) Act, 1877.

Act may be amended.

37. This Act may be amended or repealed during the present session.

Extent of Act.

38. This Act shall extend to Ireland only.

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SCHEDULES.

A.D. 1878.

SCHEDULE I.

50 Geo. III. c. 102.	8 & 9 Vict. c. 81.	19 & 20 Vict. c. 37.
1 & 2 Geo. IV. c. 33.	8 & 9 Vict. c. 107.	19 & 20 Vict. c. 63.
4 Geo. IV. c. 33.	9 & 10 Vict. c. 2.	19 & 20 Vict. c. 68.
4 Geo. IV. c. 43.	9 & 10 Vict. c. 37.	19 & 20 Vict. c. 99.
5 Geo. IV. c. 93.	9 & 10 Vict. c. 71.	20 & 21 Vict. c. 15.
6 Geo. IV. c. 52.	9 & 10 Vict. c. 86.	21 & 22 Vict. c. 103.
6 Geo. IV. c. 101.	9 & 10 Vict. c. 97.	23 Vict. c. 4.
7 Geo. IV. c. 74.	9 & 10 Vict. c. 115.	23 & 24 Vict. c. 119.
3 & 4 Wm. IV. c. 37.	10 & 11 Vict. c. 87.	23 & 24 Vict. c. 152.
3 & 4 Wm. IV. c. 78.	11 & 12 Vict. c. 1.	23 & 24 Vict. c. 150.
4 & 5 Wm. IV. c. 90.	11 & 12 Vict. c. 26.	24 & 25 Vict. c. 63.
6 & 7 Wm. IV. c. 13.	11 & 12 Vict. c. 32.	24 & 25 Vict. c. 71.
6 & 7 Wm. IV. c. 116.	11 & 12 Vict. c. 51.	25 & 26 Vict. c. 106.
7 Wm. IV. & 1 Vict. c. 2.	11 & 12 Vict. c. 69.	27 & 28 Vict. c. 17.
1 Vict. c. 54.	13 & 14 Vict. c. 69.	30 & 31 Vict. c. 112.
2 & 3 Vict. c. 50.	13 & 14 Vict. c. 85.	33 & 34 Vict. c. 9.
3 & 4 Vict. c. 44.	14 & 15 Vict. c. 85. s. 4.	34 & 35 Vict. c. 25.
5 & 6 Vict. c. 42.	16 & 17 Vict. c. 38.	34 & 35 Vict. c. 42.
5 & 6 Vict. c. 81.	16 & 17 Vict. c. 136.	35 & 36 Vict. c. 42.
6 & 7 Vict. c. 44.	17 & 18 Vict. c. 36.	36 & 37 Vict. c. 39.
7 & 8 Vict. c. 106.	17 & 18 Vict. c. 103.	37 & 38 Vict. c. 76.
	18 & 19 Vict. c. 109.	

SCHEDULE II.

Nomination Paper.

We, the undersigned, *A.B.* of and *C.D.* of being electors for the of do hereby nominate the following person as a proper person to serve as local member for the board district of in the said county for the county board of

Surname.	Other Names.	Abode.	Rank, Profession, or Occupation.
Brown -	John -	52, Sackville Street, Dublin	Farmer.

A.B.
C.D.

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County Boards (Ireland).

A

B I L L

To provide Elective County Boards in Ireland.

(*Prepared and brought in by Major Nolan, Mr. Fay, Mr. O'Clery, and Mr. O'Sullivan.*)

Ordered, by The House of Commons, *to be Printed*, 18 *January* 1878.

[Bill 64.]

Under 2 *oz.*

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County Courts Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Formation of principal county courts.
2. Assignment of districts thereto. Formation of circuits.
3. Courts within circuits to be subsidiary to principal court.
4. Power to Her Majesty to constitute any county court a principal county court.
5. Power to Her Majesty to consolidate circuits; to alter area of circuits; to appoint additional places for sittings.
6. Constitution of principal county courts.
7. Judges. Their appointment, qualification, and tenure of office.
8. Precedence of judges.
9. Salaries of judges.
10. Pensions of judges. Proviso as to pensions. How to be computed for five years after appointment of judge.
11. Assistant judges. Their number, appointment, and qualification. To reside within their circuits. Not to practise.
12. Salaries and allowances of assistant judges. Pensions of assistant judges.
13. Registrars. Who to be first registrars of principal and subsidiary county courts. Provision for executing office of high bailiff.
14. Saving as to existing registrars and officers of county courts within circuits.
15. Gradual supersession of registrars at subsidiary courts. On vacancy, duties to be discharged by registrar of principal county court. Qualifying proviso.
16. Future registrars. Their number, appointment and qualification. To reside within their circuits.
17. Their salaries and allowances. Not to take fees for their own use. Treasury to make orders as to application of fees. Saving as to district registrars of High Court.
18. Appointment of clerks and other subordinate officers.
19. Salaries of clerks and other subordinate officers.
20. Jurisdiction of principal county courts in common law, equity, and admiralty actions. Defendant may object as of right to jurisdiction in certain cases. Effect of pleading set off or counterclaim, if beyond certain limits. Injunctions and matters relating thereto.

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Clause.
21. Concurrent jurisdiction of High Court. Actions may be removed into High Court from principal county court.
22. Actions may be removed from High Court into principal county court.
23. Issues may be sent for trial to principal county court.
24. Jurisdiction protected by costs.
25. Jurisdiction excluded in certain cases.
26. Jurisdiction of principal county courts in bankruptcy.
27. Jurisdiction of judges of principal county courts. Powers in chambers.
28. Judges qualified to act as commissioners of assize. Qualified to be judges of High Court. Disqualified for other offices or employments.
29. Jurisdiction of assistant judges. Limitation of jurisdiction. Jurisdiction in bankruptcy. Powers in chambers.
30. Sittings of judges at centres. Sittings at subsidiary courts. Vacation of judges.
31. Provision for deputy judge in case of absence, or vacancy in office of judge.
32. Sittings of assistant judges, and duties, when not travelling or sitting. Vacation of assistant judges.
33. Procedure. Actions and proceedings to be heard at centres by judges. Actions before assistant judge may be remitted to judge in certain cases. Business in chambers. Proceedings up to hearing to be local. Solicitors may appear. Bar to preaudience.
34. Appeals from principal county courts. Provisions for regulating appeals in common law, equity, and admiralty actions.
35. Rehearings of cases heard by assistant judges.
36. Default summons. Amended procedure.
37. Power to the Lord Chancellor to offer to nine judges retiring pensions.
38. Power to the Treasury to compensate judges removed to make way for new circuits.
39. Rules, orders, forms, and scales of costs to be framed by the judges under the direction of the Lord Chancellor.
40. This Act not to apply to bankruptcy save as expressly directed.
41. This Act and the County Courts Acts to be construed together.
42. Commencement of Act.
43. Short title of Act.

SCHEDULES A., B., and C.

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A

B I L L

TO

Amend the Law relating to the Jurisdiction of County Courts. A.D. 1878.

WHEREAS it is expedient to amend the law relating to the jurisdiction of the county courts, and to constitute a limited number of such courts at convenient centres in populous trading and manufacturing localities principal county courts, with an enlarged jurisdiction, and with extended districts, and to make further provision for the administration of justice within such districts:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Formation of principal county courts.

1. The county courts holden at the centres respectively mentioned in the first column of Schedule A. hereto annexed shall, from and after the commencement of this Act, become and be principal county courts; and where in such schedule two centres are united together, the county courts respectively holden at such centres shall together form one principal county court.

Assignment of districts thereto. Formation of circuits.

2. There shall be assigned to every principal county court constituted under this Act, as a district for the purposes of this Act, the consolidated districts of the county courts respectively mentioned in the second column of the said schedule hereto. Every principal county court and the district assigned thereto shall together form a principal county court circuit.

Courts within circuits to be subsidiary to principal court.

3. *From and after the commencement of this Act,* all the county courts comprised within any principal county court circuit shall become and be subsidiary county courts affiliated to such principal county court, as members or branches thereof.

Power to Her Majesty to constitute

4. Her Majesty may by Order in Council from time to time direct that any county court holden at a convenient centre shall,

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A.D. 1878.

any county court a principal county court.

either singly, or together with any other county court or county courts, be constituted a principal county court, and may assign a district thereto; and every county court so ordered to be constituted as a principal county court, and the district assigned thereto, shall together form a principal county court circuit; and every such court shall thenceforth be holden as a principal county court under this Act, and in all respects as if it had been originally constituted under the provisions of this Act.

Power to Her Majesty to consolidate circuits; to alter area of circuits; to appoint additional places for sittings.

5. Her Majesty may by Order in Council from time to time direct that any two or more principal county court circuits shall be consolidated and together form one principal county court circuit; and may alter the boundaries of any principal county court circuit by extending or diminishing the area of its jurisdiction; and may from time to time appoint that the sittings of any principal county court shall be holden at other convenient places within the circuit thereof, in addition to the centres at which under the provisions of this Act principal county courts are directed to be holden.

Constitution of principal county courts.

6. Every principal county court shall consist of one or more judges, and such number of assistant judges, registrars, clerks and other subordinate officers, as may from time to time be determined by authority under the provisions of this Act.

Judges. Their appointment, qualification, and tenure of office.

7. The judges of the principal county courts shall be such persons as Her Majesty may be pleased to appoint thereto from the body of the county court judges, or barristers of not less than *ten years* standing. They shall hold their offices for life, subject to a power of removal by Her Majesty, for misbehaviour or incapacity, on a joint address presented by the Lord Chancellor and the Lord Chief Justice of England: Provided, that until Parliament shall otherwise direct, the judges to be appointed under this Act shall not be more than *nine* in number.

Whenever the office of any such judge shall become vacant, a new judge qualified in like manner may be appointed thereto by Her Majesty.

Precedence of judges.

8. The judges appointed under this Act shall rank next after the junior judge for the time being of the High Court of Justice; and among themselves according to the priority of their respective appointments.

Salaries of judges.

9. *There shall be paid as a salary to every judge appointed under this Act, to include all travelling allowances, the sum of three thousand pounds a year; and such salaries shall be charged on the same fund, and be paid to the persons respectively entitled*

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thereto, in the same manner as the salaries of the county court judges are now charged and paid. A.D. 1878.

Pensions of judges.

10. *Her Majesty may, on a petition presented through the Lord Chancellor for that purpose, grant to any judge appointed under this Act, who has served for twenty years in a judicial office, or for fifteen years as judge of a principal county court, or who is disabled by permanent infirmity from the performance of the duties of his office, a pension, by way of annuity for the term of his life, not exceeding two-thirds of the yearly salary to which such judge is entitled: Provided, that if any such judge shall resign his office before he shall have received or become entitled to receive the salary payable to him under this Act for the full period of five years, any pension payable to him upon such retirement under this Act shall be calculated with reference to the average amount of salary received or receivable by him for the five years next preceding the date of such retirement, and not with reference to the salary to which he may be entitled at the time of presenting his petition to Her Majesty for the grant of a pension.*

Proviso as to pensions.

How to be computed for five years after appointment of judge.

Assistant judges. Their number, appointment and qualification.

11. There shall be attached to every principal county court one or more judicial officers, to be called Assistant Judges. They shall be appointed by the Lord Chancellor, and may be removed by him for misbehaviour, negligence, or unskilfulness in the performance of their duties. Any registrar of county courts, any barrister or solicitor of the Supreme Court of not less than *five years* standing, shall be qualified to be an assistant judge; but the first appointments shall, so far as circumstances permit, be made from the existing registrars of the county courts comprised in Schedule A. hereto annexed. The number of the assistant judges shall be determined, with the sanction of the Treasury, by the Lord Chancellor, who may, with like sanction, increase or diminish their number as circumstances may require; but so as not to deprive any assistant judge of any right or claim to a pension which he might otherwise have under the provisions of this Act.

To reside within their circuits.

The assistant judges shall reside within the circuits of the principal county courts to which they are respectively attached. Any assistant judge may be transferred from one principal county court to another when and as the Lord Chancellor shall think fit.

Not to practise.

No assistant judge shall practise, directly or indirectly, as a barrister, special pleader, equity draughtsman, conveyancer, solicitor, proctor, or notary public.

Salaries and allowances of assistant judges.

12. *There shall be paid as a salary to every assistant judge appointed under this Act the sum of twelve hundred pounds a year;*

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A.D. 1878.

and such further sum as the Treasury shall in each case deem a reasonable allowance for travelling expenses. The Treasury is hereby empowered to pay such salaries and allowances to the persons respectively entitled thereto out of the same fund and in the same manner as the salaries of the registrars of county courts are now paid.

Pensions of assistant judges.

Every assistant judge shall be deemed to be employed in the permanent civil service of Her Majesty, and shall be entitled as such to a pension in the same manner and upon the same terms and conditions as the other permanent civil servants of Her Majesty are entitled to pensions.

Registrars. Who to be first registrars of principal and subsidiary county courts.

13. *From and after the commencement of this Act*, the existing registrars of the county courts at the centres which are by this Act directed to be holden as principal county courts shall respectively become and be registrars of such principal county courts, and the existing registrars of the county courts which are by this Act directed to be holden as subsidiary county courts shall be registrars of such subsidiary county courts, and shall respectively be attached to the principal county courts of the circuits within which their respective courts are situate, unless any such registrar shall be offered and shall accept the office of an assistant judge.

Provision for executing office of high bailiff.

Provision shall be made for executing the office of high bailiff at the principal county courts, and in the respective circuits thereof, in such manner as may from time to time be determined by the Lord Chancellor, with the advice of the respective judges of such courts, and with the sanction of the Treasury.

Saving as to existing registrars and officers of county courts within circuits.

14. The existing registrars and other officers holding offices in the county courts within the principal county court circuits constituted under this Act shall continue to discharge their existing duties, and shall hold their offices by the same tenure, and receive the salaries and other emoluments to which they are respectively entitled upon the same terms and conditions as heretofore; but so that the duties by virtue of this Act to be performed by the registrars of the principal county courts shall, from and after the commencement of this Act, be performed by the existing registrars in such manner as may be prescribed, or may, with the advice of the respective judges of such courts, by order under his hand from time to time be directed by the Lord Chancellor.

Gradual supersession of registrars

15. *From and after the commencement of this Act*, but subject to the proviso herein-after contained, vacancies in the office of registrar of any of the county courts which are by this Act directed to be

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holden as subsidiary county courts shall not be filled up. On the occurrence of any such vacancy, all the ministerial duties of registrar of the vacated county court, including the superintendence of the office of such court, and the staff of clerks therein, shall be discharged by such one or more of the registrars for the time being attached to the principal county court of the circuit within which such court is situate, as the Lord Chancellor, with the advice of the respective judges of such courts, may from time to time determine: Provided nevertheless, that it shall be lawful for the Lord Chancellor, whenever any such vacated court shall be a court having jurisdiction in bankruptcy, or shall appear from its size or other circumstances to require a separate registrar, by order under his hand to direct that a person be specially appointed to discharge the duties of registrar of such court under the provisions of the County Courts Acts relating to registrars, but every such registrar shall in all respects be subject to the provisions of this Act.

at subsidiary courts.

On vacancy, duties to be discharged by registrar of principal county court.

Qualifying proviso.

16. The number of registrars to be attached to the principal county courts shall from time to time be determined by the Lord Chancellor, with the advice of the respective judges of such courts, and with the sanction of the Treasury. The registrars appointed under this Act shall be solicitors of the Supreme Court, and shall reside within the circuits of the principal county courts to which they are respectively attached. They shall be appointed, with the approval of the Lord Chancellor, by the judge or the senior judge for the time being acting in the principal county court circuit within which any such appointment is to be made, and may, with like approval, be removed by such judge, if they are negligent, unskilful, or untrustworthy in the performance of their duties.

Future registrars.

Their number, appointment, qualification, salaries, and allowances.

To reside within their circuits.

17. *Subject to the provisions of this Act with respect to existing registrars, they shall not be entitled to take fees for their own use under any of the Acts of Parliament authorising registrars of county courts or local courts of bankruptcy to receive fees for their own use. They shall, in respect of the duties to be performed by them respectively in pursuance or by virtue of the provisions of any of the said Acts or of this Act, be remunerated by salaries. The amount of salary shall be fixed, and may from time to time be revised, by the Treasury, with the consent of the Lord Chancellor; but so that the maximum net salary to be paid to any registrar appointed under this Act, exclusive of such an allowance for expenses as the Treasury may deem reasonable, shall in no case exceed the sum of one thousand pounds a year. The Treasury is hereby empowered to pay such salaries and allowances to the persons respectively entitled*

Their salaries and allowances.

Not to take fees for their own use.

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A.D. 1878.

thereto out of the same fund and in the same manner as the salaries of the registrars of county courts are now paid.

Treasury to make orders as to application of fees.

Subject as aforesaid, the Treasury may from time to time make orders with respect to the application of the fees which, but for the provisions of this Act, are authorised to be taken for their own use by the registrars appointed under this Act; and the said fees shall be collected and accounted for and paid over by the said registrars in such manner as may be directed in any such order.

Saving as to district registrars of High Court.

Nothing herein contained shall affect the right of any registrar appointed under this Act to receive for his own use fees as a district registrar, if appointed to the office of a district registrar of the High Court of Justice.

Appointment of clerks and other subordinate officers.

18. *From and after the commencement of this Act,* the number of clerks and other subordinate officers to be attached to any principal or subsidiary county court shall from time to time be determined by the Lord Chancellor, with the advice of the respective judges of such courts, and with the sanction of the Treasury. All such clerks and other subordinate officers shall be appointed by the judge, or the senior judge for the time being acting in the principal county court circuit within which any such appointment is to be made, and may be removed by such judge, if they ought in his opinion to be removed for any just cause.

Salaries of clerks and other subordinate officers.

19. *There shall be paid to the clerks and other subordinate officers appointed under this Act to any principal or subsidiary county court such salaries as the Treasury, with the advice of the respective judges of such courts, may from time to time determine. The Treasury is hereby empowered to pay such salaries to the persons respectively entitled thereto out of the same fund and in the same manner as the salaries of the registrars of county courts are now paid.*

Jurisdiction of principal county courts in common law, equity, and admiralty actions.

20. Subject to the provisions and limitations herein-after mentioned, and to the rules and orders to be made in pursuance of this Act, all actions and proceedings which can be brought in the High Court of Justice may be brought in a principal county court; and every such court shall have jurisdiction and authority to hear and determine the same, if the defendant or one of the defendants dwells or carries on business, or has within six calendar months next before the time of commencing any such action or proceeding dwelt or carried on business within the circuit thereof, or if the cause of action or of the proceeding arose wholly or in part within the circuit thereof.

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Provided, that whenever in any such action or proceeding the demand in respect of any debt or damages, or the relief, right, matter or thing claimed exceeds in amount or value *five hundred* pounds, after giving credit for any admitted payment, set off, or counterclaim, or where the hereditaments or the fund or the matter or thing sought to be affected by any such action or proceeding, or to which any such action or proceeding relates, or the estate, real or personal, sought to be administered by the court, exceeds in amount or value *five thousand* pounds, no principal county court shall have authority to determine the same, or to grant any relief or redress therein, if any defendant thereto objects to the jurisdiction of the court.

Defendant may object as of right to jurisdiction in certain cases.

No objection to the jurisdiction of the court shall be allowed by reason of any defendant pleading a set-off or counter-claim exceeding in amount or value *five hundred* pounds, nor shall any such defence affect the competence or the duty of the court to determine the matter in controversy between the parties, so far as relates to the demand of the plaintiff and the defence thereto; but no relief or redress exceeding that sum in amount or value shall, if any plaintiff objects thereto, be given by the court upon any such set-off or counter-claim.

Effect of pleading set-off or counter-claim if beyond certain limits.

Special provision shall be made by the rules and orders for regulating the procedure of the principal county courts in proceedings to obtain orders for injunctions and matters relating thereto.

Injunctions and matters relating thereto.

21. Any party to any action or proceeding brought in a principal county court, which involves matter beyond the jurisdiction by this Act conferred on assistant judges, may apply at any time, on any reasonable grounds, to the High Court of Justice, or to a judge thereof, for leave to remove such action or proceeding into the said High Court; and if upon cause shown such court or judge is of opinion that the action or proceeding is a proper one to be removed, or that for some special reason it ought to be heard and determined in the High Court of Justice, such court or judge may order its removal accordingly, upon such terms (if any) as to security for costs and otherwise, as such court or judge thinks just; and may by any such order direct at what stage in the action or proceeding the proceedings in the said High Court shall commence, and the same shall thenceforth be continued and prosecuted in the said High Court, as if they had been originally commenced therein.

Concurrent jurisdiction of High Court.

Actions may be removed into High Court from principal county court.

22. Any party to any action or proceeding brought in the High Court of Justice may apply at any time, on any reasonable grounds, to the court or to a judge thereof for leave to remove such action

Actions may be removed from High Court into

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A.D. 1878.

principal county court.

or proceeding into a principal county court. If such court or judge is of opinion that the action or proceeding ought not to be removed, such court or judge may order that it be retained in the said High Court, upon such terms (if any) as to security for costs and otherwise as such court or judge thinks just. If such court or judge is of opinion that the action or proceeding can properly and conveniently be disposed of in a principal county court, such court or judge may order its removal accordingly; and the same shall thenceforth be continued and prosecuted in the principal county court named in such order, as if it had been originally commenced therein, but no objection by any party thereto shall in such case be allowed to be taken to the jurisdiction of the court.

Issues may be sent for trial to principal county court.

23. The High Court of Justice or a judge thereof may at any time for sufficient reason, in their or his discretion, order that any question or issue of fact arising in the course of any action or proceeding brought therein be sent for trial to a principal county court; and the decision or finding of such court thereon shall be certified to the said High Court in such manner as may be prescribed.

Jurisdiction protected by costs.

24. *From and after the commencement of this Act*, if any action or proceeding is brought in the High Court of Justice in which a claim capable of being valued in money is made, and which might under the provisions of this Act have been brought in a principal county court, and if in such action or proceeding the plaintiff shall not recover, obtain, or establish any debt, damages, relief, or right exceeding *fifty pounds* in amount or value, the costs allowed him shall not exceed the costs to which he would have been entitled if such action or proceeding had been brought in a principal county court, unless the High Court of Justice, or a judge thereof, shall otherwise order.

Jurisdiction excluded in certain cases.

25. No principal county court shall have jurisdiction to hear any action brought on a judgment of the High Court of Justice, or any division or judge thereof; or any prize cause, or any proceeding within the Naval Prize Act, 1864, or within any Act for the suppression of the slave trade, or any divorce or matrimonial cause.

Jurisdiction of principal county courts in bankruptcy.

26. Every principal county court shall be a local court of bankruptcy; and the circuit thereof, as constituted under the provisions of this Act, shall be the district of the court for the purposes of its bankruptcy jurisdiction.

Jurisdiction of judges of principal county courts.

27. Every judge of a principal county court shall, within the circuit thereof, and by authority of the Lord Chancellor, or by consent of a judge thereof, in any other principal county court

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circuit, have and exercise for the purposes of this Act, in addition to his ordinary powers as a county court judge and judge of a local court of bankruptcy, all the powers and jurisdiction of a judge of the High Court of Justice, subject nevertheless to the direction and review of the said High Court in the manner provided by this Act. A.D. 1878.

Every judge appointed under this Act shall, in respect of all proceedings pending within the principal county court circuit in which he is for the time being acting, have and exercise in chambers the same powers as might be had and exercised in chambers by a judge of the High Court of Justice in respect of proceedings pending in that court. Powers in chambers.

28. Her Majesty may insert the name of any judge appointed under this Act in any commission of assize or other commission, whether general or special, for the discharge of civil or criminal business, on circuit or otherwise; and every such judge whose name shall be so inserted in any such commission shall be qualified to act therein, and shall for the purposes thereof have and exercise all the powers and jurisdiction of a judge of the High Court of Justice on circuit. Judges qualified to act as commissioners of assize.

Any judge appointed under this Act shall be qualified to be appointed to the office of a judge of the High Court of Justice. Qualified to be judges of High Court.

No judge appointed under this Act shall hold any office, or accept or exercise any employment for fee or reward, which cannot be held, accepted, or exercised by a judge of the High Court of Justice. Disqualified for other offices or employments.

29. Subject to the provisions of this Act, and to the rules and orders to be made in pursuance of this Act, the jurisdiction conferred on the judges of county courts by the County Courts Act, 1846, and the several Acts altering and amending the same, or by any Act of Parliament relating to the said courts and judges, may be exercised in open court within the principal county court circuits in which they are respectively acting, by the assistant judges; and the said Acts shall be construed, and shall take effect and apply, so far as relates to anything done or to be done after the commencement of this Act, and so far as the same may be respectively applicable, to the assistant judges appointed under this Act, as if they had been originally named therein: Provided, that such jurisdiction shall not be exercised by an assistant judge, without the consent of all parties to be affected thereby, in any action in which the claim exceeds *twenty* pounds, or in which a bonâ fide defence by way of set-off or counterclaim exceeding *twenty* pounds is set up; or in any proceeding to obtain an order of commitment on a judgment summons in which the amount claimed under the judgment Jurisdiction of assistant judges. Limitation of jurisdiction.

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A.D. 1878.

exceeds *twenty* pounds; or in any action or proceeding in which any relief other than or in addition to the payment of a money demand is claimed by any party thereto, or in respect of which jurisdiction is given to the county courts by the several Acts mentioned in Schedule B. hereto annexed, except in such proceedings under any of the said Acts as may now be disposed of by a registrar of a county court, or are ministerial only and not judicial.

Jurisdiction in bankruptcy.

The jurisdiction authorised by the Bankruptcy Act, 1869, to be exercised by the registrars of county courts having jurisdiction in bankruptcy, by delegation from the judge of any local bankruptcy court, may be exercised in like manner as well by the assistant judges, as by the said registrars, at the principal county courts to which they are respectively attached, and, by special leave or order of the court or of a judge thereof, at any subsidiary county court within the respective circuits thereof.

Powers in chambers.

The assistant judges may, within the principal county court circuits in which they are respectively acting, adjudicate upon and certify in chambers, or at any subsidiary county court, all such interlocutory or other applications and matters arising in the course of any action or proceeding pending therein, as might, if the action or proceeding were pending in the High Court of Justice, be adjudicated upon or certified in chambers by a master, registrar, chief clerk, or other officer of the said High Court, or as may be adjudicated upon by a registrar of a county court, subject nevertheless to the direction and review of their respective judges.

Sittings of judges at centres.

30. The judges appointed under this Act shall, within the principal county court circuits in which they are respectively acting, sit and hold courts at the centres at which by or by virtue of this Act sittings of principal county courts are directed to be holden, under such regulations, and at such intervals as may from time to time be determined by the Lord Chancellor.

Sittings at subsidiary courts.

Every such judge may hear and determine any action or proceeding at any subsidiary county court within the principal county court circuit in which he is acting, or at such other place as he shall specially appoint for the purpose.

Vacation of judges.

No judge appointed under this Act shall be obliged to sit or hold courts between the fifteenth day of August and the fifteenth day of October.

Provision for deputy judge in case of absence

31. The Lord Chancellor may by order under his hand appoint any serjeant-at-law or counsel learned in the law, who shall consent thereto, to sit as deputy judge in the place of any judge of a

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principal county court, and perform any official or ministerial acts for or on behalf of any such judge who may be absent from illness or other sufficient cause, or whose office may become vacant; and every such deputy judge shall, while so sitting and acting, have and exercise for the purposes of this Act all the powers and jurisdiction of a judge appointed under this Act.

A.D. 1878.

or vacancy in office of judge.

32. The assistant judges shall, within the principal county court circuits in which they are respectively acting, hold courts at each place where the county court is holden, at the respective times or intervals, and in the same manner as the said courts have hitherto been holden by the county court judges. They shall, when not engaged in travelling and holding courts within their respective circuits, attend if required at the principal county courts to which they are respectively attached, and there perform such duties as may be prescribed, or may in any case be assigned to them by any special order of the court or of a judge thereof.

Sittings of assistant judges, and duties, when not travelling or sitting.

No assistant judge shall be required to hold courts or perform his prescribed duties in person during the month of September, or such other equivalent period in every year, as the Lord Chancellor may from time to time in any case direct.

Vacation of assistant judges.

33. Subject to the provisions of this Act, and to the rules and orders to be made in pursuance of this Act, all actions and proceedings brought in any principal or subsidiary county court, and all motions and applications to the court in its capacity of a local court of bankruptcy or otherwise, which involve matter beyond the jurisdiction by this Act conferred on assistant judges, shall be heard and determined by a judge at a principal county court, or at such other place as the court or a judge thereof shall for any special reason appoint for the purpose.

Procedure.

Actions and proceedings to be heard at centres by judges.

If, in any action or proceeding brought before an assistant judge, the question to be determined appears a proper one for the decision of a judge, the assistant judge may, although the matter be within his jurisdiction, upon the application of any party thereto, at any stage of the proceedings remit the same, together with a note of the question to be determined therein, to a judge of the principal county court to which such assistant judge is attached; and the judge may either dispose of it, or refer it back to the assistant judge with such directions as he thinks fit.

Actions before assistant judge may be remitted to judge in certain cases.

The business in the chambers of the judges of the principal county courts, other than the business to be performed by any such judge, shall be distributed among the assistant judges and registrars attached thereto respectively in such manner as may be prescribed,

Business in chambers.

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A.D. 1878.

or may in any case be directed by any special order of the court or of a judge thereof.

Proceedings up to hearing to be local.

All interlocutory proceedings, so far as conveniently may be, shall be disposed of at the principal or subsidiary county court in which they originally commenced, unless the court or a judge thereof shall otherwise order.

Solicitors may appear. Bar to have preaudience.

Any solicitor of the Supreme Court may appear and be heard in any principal county court, without being required to employ counsel; but motions by the bar, and cases in which counsel are engaged, shall have precedence of those in which solicitors appear.

Appeals from principal county courts.

34. The several provisions herein-after contained shall apply to and regulate appeals from principal county courts in all actions and proceedings which involve matter beyond the ordinary jurisdiction of county courts.

Provisions for regulating appeals.

1. Any person dissatisfied with the judgment or order of any judge of a principal county court in any such action or proceeding as aforesaid, in common law, equity, and admiralty actions, may appeal to the divisional court of the High Court of Justice appointed to hear such appeals, and from that court to the Court of Appeal, upon such terms as to security for costs and otherwise as may be prescribed, or may be directed by any special order of the court to which such appeal shall immediately lie:
2. All appeals under this Act shall be by way of rehearing, and shall be brought by notice of motion in a summary way. The appellant may by his notice of motion appeal from the whole or any part of any judgment or order; and the notice of motion shall state whether the whole or part only of such judgment or order is complained of, and in the latter case shall specify what part:
3. No appeal under this Act shall be brought after the expiration of twenty-one days to be computed from the date of the delivery of the judgment or order appealed from; or, in the case of the dismissal or refusal of any motion or application, from the date of such dismissal or refusal, unless by special leave of the divisional court; but if such period of twenty-one days expires during any vacation of the High Court of Justice, an appeal may be brought at any time before the expiration of the fourth day of the sittings of the divisional court next after the termination of such vacation:
4. When in any appeal under this Act the judgment or order complained of involves any question of law, the parties may concur in stating for the opinion of the divisional court the

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question or questions of law arising therein in the form of a special case, setting forth concisely such facts and documents as may be necessary to enable the said court to decide the question or questions raised thereby:

5. Upon the argument of any such special case, the divisional court and the parties shall be at liberty to draw from the facts and documents stated therein any inference, whether of law or fact, which might have been drawn therefrom at the hearing in the court of first instance:

6. When any question of fact is involved in an appeal under this Act, the evidence taken in the court below shall be brought before the divisional court in such manner as may be prescribed, or may be directed by any special order of the said court:

7. In appeals under this Act, the divisional court shall have all the powers and duties, as to amendment and otherwise, of the court of first instance, including power to enter any judgment and make any order which ought to have been entered or made by that court, or to make such further or other order as the case may require:

8. All appeals under this Act from a divisional court to the Court of Appeal shall be brought in conformity with the rules of court for the time being in force for regulating appeals from the High Court of Justice to the Court of Appeal.

Provided, that nothing herein contained shall apply to or authorise any alteration of the system of appeal in use in the county courts under the provisions of the County Courts Acts relating to appeals, or affect any appeal brought on any judgment or order of a principal county court in any action or proceeding within the ordinary jurisdiction of a county court under those Acts.

Rehearings of cases heard by assistant judges.

35. Any action or proceeding heard by an assistant judge may, upon the application of any person dissatisfied with the judgment or order made therein, be reheard by a judge of the principal county court to which such assistant judge is attached, upon such terms as to security for costs and otherwise as may be prescribed, or may in any case be directed by any special order of the court or of a judge thereof.

Default summons. Amended procedure.

36. And whereas it is expedient to take occasion of the passing of this Act to amend the procedure by default summons in the county courts:

Be it therefore enacted as follows:

Section one of the County Courts Act, 1875, and the Form in Schedule B. to the said Act annexed, shall be construed and read

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A.D. 1878.

respectively as if the word "six" had been substituted therein for the word "sixteen;" and if in any action commenced by summons in such form, the defendant gives notice of his intention to defend, or to object to the jurisdiction of the court, he shall in such notice state an address where he, or his solicitor, may be served with notice of further proceedings; and the plaintiff may thereupon, at any time not less than six days nor more than two months after service of the summons, or leave to proceed as if personal service had been effected, file an affidavit sworn by himself or some other person acquainted with the necessary facts, verifying the cause of action, and stating that in the belief of the deponent there is no defence to the action, and that the objection to the jurisdiction, if any, is frivolous.

The registrar shall forthwith send by registered post letter to the defendant, at the address given in his notice of intention to defend, or if no such address be given, then at the address of the defendant appearing on the summons, a copy of such affidavit, together with a notice in the form given in Schedule C. hereto annexed, or to the like effect; and unless the defendant shall, within *four* clear days from the time at which such notice and copy affidavit would have been delivered in the ordinary course of post, satisfy the registrar, by affidavit or otherwise, that he has a good defence to the action, or that he is entitled to object to the jurisdiction of the court, or that it is reasonable that he should be allowed to defend the action, the plaintiff may demand judgment for the amount of his claim as if no notice of intention to defend or object to the jurisdiction of the court had been given, and for his costs up to and including judgment.

The order upon such judgment shall be for payment forthwith, or at such time or times, and by such instalments, as the plaintiff or his solicitor shall in writing have consented to take at the time of entering the plaint, or as the court, or a judge or assistant judge or registrar thereof, may at any stage of the proceedings direct.

Power to the Lord Chancellor to offer to nine judges retiring pensions.

37. *For the purpose of enabling the provisions of this Act to be carried into effect without delay, it shall be lawful for the Lord Chancellor to offer to any judges of county courts, not exceeding nine in number, who shall be willing to retire, pensions by way of annuity to be continued during their respective lives, equal to the full salary to which judges of county courts are now by law entitled, and the Treasury is hereby authorised to pay the same accordingly:*

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Provided that no such pension shall exceed the sum of fifteen hundred pounds a year. A.D. 1878.

Power to the Treasury to compensate judges removed to make way for new circuits.

38. *If, for the purpose of carrying into effect the provisions of this Act, and in order to make way for the formation of the new circuits, the Lord Chancellor shall deem it necessary to exercise the power vested in him of removing any judge of county courts from the districts of which he is the judge, and in or in the neighbourhood of which he resides, and of appointing him to any other district or districts, it shall be lawful for the Treasury to allow and pay to every judge so removed, by way of compensation for the expenses attendant on his removal, such sum as may in each case be considered just and reasonable; but this section shall not apply to any judge of county courts appointed under the provisions of this Act to any principal county court.*

Rules, orders, forms, and scales of costs to be framed by the judges under the direction of the Lord Chancellor.

39. The judges of the principal county courts, or any three or more of them whom the Lord Chancellor may appoint for the purpose, shall, so soon as conveniently may be after the passing of this Act, under the direction of the Lord Chancellor, frame such rules, orders, and forms for regulating the practice and procedure of the principal county courts, and for distributing the business therein, and in the chambers of the respective judges thereof, and for regulating the procedure in proceedings to obtain orders for injunctions and matters relating thereto, and in appeals under this Act, and such scales of costs to be paid to counsel and solicitors in respect of proceedings under this Act, as may in their opinion be necessary for giving full effect to the provisions of this Act; and such rules, orders, forms, and scales of costs, certified under the hands of the said judges, and allowed by the Lord Chancellor, shall from and after the commencement of this Act be in force in every principal county court, and be judicially noticed. The said judges, or any three or more of them so appointed as aforesaid, may from time to time, under the like direction, revise, or vary, or revoke any such rules, orders, forms, and scales of costs. They may, for the purpose of framing or revising such rules, orders, forms, and scales of costs, adapt any rules, orders, forms, and scales of costs for the time being in use in the High Court of Justice. Any rules, orders, forms, and scales of costs so certified and allowed shall be deemed to be within the powers conferred by this Act, and shall have the same force and be as valid as if they were enacted in the body of this Act.

Except so far as is otherwise expressly provided by such rules, orders, forms, and scales of costs, the practice and procedure and the allowances of costs in the principal county courts shall be regu-

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A.D. 1878.

lated by the rules, orders, forms, and scales of costs for the time being in use for regulating the practice and procedure of the county courts.

This Act not to apply to bankruptcy, save as expressly directed.

40. Save as by this Act is expressly directed, nothing herein, or in the rules and orders to be made in pursuance of this Act, shall apply to proceedings in bankruptcy, or authorise any alteration of the general rules in force under the Bankruptcy Act, 1869, or any order made by virtue of that Act.

This Act and the County Courts Acts to be construed together.

41. The County Courts Act, 1846, and the several Acts altering and amending the same, shall, so far as the same may be respectively applicable, be construed, together with this Act, as one Act; but if any question shall at any time arise in the course of any action or proceeding brought in any court constituted under this Act, in which there shall be any conflict or variance between the provisions of any of the said Acts and of this Act, the provisions of this Act shall prevail.

Commencement of Act.

42. This Act shall come into operation on the *second day of November next after the passing thereof*, except as to sections 7, 8, 9, and 39, as to which sections it shall come into operation immediately on the *passing* thereof.

Short title of Act.

43. This Act may be cited as the County Courts Jurisdiction Act, 1878.

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SCHEDULES.

SCHEDULE A.

Principal County Courts.	Districts.	
LIVERPOOL AND MANCHESTER.	In the county court of Lancashire: The county courts holden at Bacup, Bolton, Bury, Oldham, and Rochdale, comprised in Circuit 5; the county courts holden at Liverpool, Ormskirk and Southport, and St. Helens, comprised in Circuit 6; the county courts holden at Leigh, Warrington, and Wigan, comprised in Circuit 7; the county courts holden at Manchester and Salford, comprised in Circuit 8; the county court holden at Ashton-under-Lyne, comprised in Circuit 9; and the respective districts of such courts. In the county court of Cheshire: The county courts holden at Altrincham, Birkenhead, Northwich, and Runcorn, comprised in Circuit 7; the county courts holden at Hyde and Stockport, comprised in Circuit 9; and the respective districts of such courts.	It is proposed that Liverpool and Manchester shall be a consolidated circuit under two judges.
LEEDS AND BRADFORD.	In the county court of Lancashire: The county courts holden at Burnley and Colne, comprised in Circuit 11; and the respective districts of such courts. In the county court of Yorkshire: The county courts holden at Bradford, Keighley, Otley, and Skipton, comprised in Circuit 11; the county courts holden at Dewsbury, Halifax, Holmfirth, Huddersfield, Saddleworth, and Todmorden, comprised in Circuit 12; the county courts holden at Leeds, Barnsley, Goole, Pontefract, and Wakefield, comprised in Circuit 14; and the respective districts of such courts.	It is proposed that Leeds and Bradford shall have two judges.
NEWCASTLE AND DURHAM.	In the county court of Northumberland: The county courts holden at Newcastle, Alnwick, Belford, Bellingham, Berwick, Gateshead, Hexham, Morpeth, North Shields, Rothbury, and Wooler, comprised in Circuit 1; and the respective districts of such courts. In the county court of Durham: The county courts holden at Durham, Bishop Auckland, Hartlepool, Seaham Harbour, Shotley Bridge, South Shields, Sunderland, and Wolsingham, comprised in Circuit 2; the county courts holden at Barnard Castle and Darlington, comprised in Circuit 15; and the respective districts of such courts.	It is proposed that Newcastle and Durham shall have one judge.
YORK, HULL, AND STOCKTON.	In the county court of Durham: The county court holden at Stockton-on-Tees and Middlesborough, comprised in Circuit 15; and the district of such court. In the county court of Yorkshire: The county courts holden at York, Easingwold, Helmsley, Knaresborough, Leyburn, Northallerton, Richmond, Ripon, Stokesley, Tadcaster, and Thirsk, comprised in Circuit 15; the county courts holden at Hull, Beverley, Bridlington, Great Driffield, Hedon, Howden, New Malton, Pocklington, Scarborough, Selby, and Whitby, comprised in Circuit 16; and the respective districts of such courts.	It is proposed that York, Hull, and Stockton shall have one judge.

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	Principal County Courts.	Districts.
It is proposed that Sheffield, Nottingham, and Derby shall have one judge.	SHEFFIELD, NOTTINGHAM, AND DERBY.	In the county court of Yorkshire: The county courts holden at Sheffield, Glossop, and Rotherham, comprised in Circuit 13; the county courts holden at Doncaster and Thorne, comprised in Circuit 18; and the respective districts of such courts. In the county court of Nottinghamshire: The county courts holden at Nottingham, Bingham, East Retford, Mansfield, Newark, and Worksop, comprised in Circuit 18; and the respective districts of such courts. In the county court of Derbyshire: The county courts holden at Derby, Alfreton, Ashbourne, Bakewell, Belper and Ilkeston, Chapel-en-le-Frith and Buxton, Chesterfield, and Wirksworth, comprised in Circuit 19; and the respective districts of such courts. In the county court of Staffordshire: The county court holden at Burton-on-Trent, comprised in Circuit 19; and the district of such court.
It is proposed that Birmingham shall have one judge.	BIRMINGHAM.	In the county court of Warwickshire: The county courts holden at Birmingham, Atherstone, and Tamworth, comprised in Circuit 21; the county court holden at Solihull, comprised in Circuit 22; and the respective districts of such courts. In the county court of Worcestershire: The county court holden at Redditch, comprised in Circuit 22; the county court holden at Dudley, comprised in Circuit 23; and the respective districts of such courts. In the county court of Staffordshire: The county courts holden at Oldbury, Walsall, and Wolverhampton, comprised in Circuit 25; and the respective districts of such courts.
It is proposed that Bristol and Gloucester shall have one judge.	BRISTOL AND GLOUCESTER.	In the county court of Gloucestershire: The county court holden at Chipping Sodbury, comprised in Circuit 52; the county courts holden at Cheltenham, Dursley, Gloucester, Stroud, Thornbury, and Winchcomb, comprised in Circuit 53; the county court holden at Bristol, comprised in Circuit 54; and the respective districts of such courts. In the county court of Somersetshire: The county courts holden at Bath, Frome, and Temple Cloud, comprised in Circuit 52; the county courts holden at Axbridge, Wells, and Weston-super-Mare, comprised in Circuit 54; and the respective districts of such courts.

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SCHEDULE B.

A.D. 1878.

Short Titles.	Reference to Acts.
Agricultural Holdings (England) Act, 1875 -	38 & 39 Vict. c. 92.
Alkali Acts, 1863 - - - -	26 & 27 Vict. c. 124.
1875 - - - - -	37 & 38 Vict. c. 43.
Ballot Act, 1872 - - - -	35 & 36 Vict. c. 33.
Charitable Trusts Acts, 1853 - - -	16 & 17 Vict. c. 137.
1855 - - -	18 & 19 Vict. c. 124.
1860 - - -	23 & 24 Vict. c. 136.
Commons Act, 1876 - - - -	39 & 40 Vict. c. 56.
Companies Acts, 1862 - - - -	25 & 26 Vict. c. 89.
1867 - - - -	30 & 31 Vict. c. 131.
County Courts Acts, 1865 - - - -	28 & 29 Vict. c. 99.
1867 - - - -	30 & 31 Vict. c. 142. ss. 7 to 12 inclusive.
County Courts Admiralty Jurisdiction Acts, 1868 -	31 & 32 Vict. c. 71.
1869 -	32 & 33 Vict. c. 51.
Court of Probate Acts, 1857 - - -	20 & 21 Vict. c. 85.
1858 - - -	21 & 22 Vict. c. 95.
Merchant Shipping Acts, 1854 to 1876 - -	17 & 18 Vict. c. 104. 25 & 26 Vict. c. 63. 34 & 35 Vict. c. 110. 35 & 36 Vict. c. 73. 36 & 37 Vict. c. 85. 39 & 40 Vict. c. 80.
Partition Acts, 1868 - - - -	31 & 32 Vict. c. 40.
1876 - - - -	39 & 40 Vict. c. 17.
Public Health Act, 1875 - - - -	38 & 39 Vict. c. 55.
Rivers Pollution Prevention Act, 1876 - -	39 & 40 Vict. c. 75.
Succession Duty Act, 1853 - - -	16 & 17 Vict. c. 57.
Trustee Acts, 1850 - - - -	13 & 14 Vict. c. 60.
1852 - - - -	15 & 16 Vict. c. 55.
Trustees Relief Acts, 1847 - - -	10 & 11 Vict. c. 96.
1849 - -	12 & 13 Vict. c. 74.
1859 - - -	22 & 23 Vict. c. 35.
1860 - - -	23 & 24 Vict. c. 38.

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A.D. 1878.

SCHEDULE C.

No. [*of plaint*].

In the Principal County Court, or In the County Court of [*title of Court issuing summons*].

Between { A.B. [*address and description*] Plaintiff, and C.D. [*address and description*] Defendant.

To the Defendant.

Take notice, that the plaintiff has filed in this Court an affidavit of which a copy is herewith sent to you. Unless within (*) days from the date hereof you satisfy me that you [have a good defence to the action] (*or,*) [are entitled to object to the jurisdiction of the Court,] or that there is some good reason why you should be allowed to defend the action, JUDGMENT WILL BE ENTERED UP AGAINST YOU WITHOUT FURTHER NOTICE. Dated, &c.

X.Y., Registrar.

N.B.—Leave to defend may be obtained on application supported by affidavit delivered personally, or sent by post prepaid to me at (*official address*).

Office hours, &c.

*To be filled up according to course of post.

County Courts.

A

B I L L

To amend the Law relating to the Jurisdiction of County Courts.

(*Prepared and brought in by Mr. Joseph Cowen, Mr. Henry W. Ripley, Mr. T. Rowley Hill.*)

Ordered, by The House of Commons, *to be Printed,* 18 *January* 1878.

[Bill 10.]

Under 3 *oz.*

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1883, Nov. 22. Sumner fund.

A

B I L L

TO

Extend the Jurisdiction of County Courts. A.D. 1878.

WHEREAS by the County Courts Act, 1846, the County Courts have jurisdiction in all pleas of personal actions where the debt or damage claimed is not more than twenty pounds, whether on balance of account or otherwise, provided that such courts have not cognizance of any action of ejectment, or in which the title to any corporeal or incorporeal hereditaments, or to any toll, fair, market, or franchise, shall be in question, or in which the validity of any devise, bequest, or limitation under any will or settlement may be disputed, or for any malicious prosecution, or for any libel or slander, or for seduction, or breach of promise of marriage: 9 & 10 Vict. c. 95. s. 58.

And whereas by the County Courts Act, 1850, the jurisdiction of the several courts extends to the recovery of any debt, damage, or demand not exceeding the sum of fifty pounds, and to all actions in respect thereof (save and except the several actions specified in the proviso in section fifty-eight of the herein-before firstly-recited Act): 13 & 14 Vict. c. 61. s. 1.

And whereas by the County Courts Act, 1856, the County Courts are empowered to try all actions, except actions for criminal conversation, which may be brought in any superior court of common law, if both parties shall agree by a memorandum signed by them, or their respective attorneys, that any County Court named in such memorandum shall have power to try such action: 19 & 20 Vict. c. 108. s. 23.

And whereas by the County Courts Act, 1865, limited jurisdiction in equity was conferred on the County Courts: 28 & 29 Vict. c. 99.

And whereas it is expedient to enlarge the jurisdiction conferred on the County Courts by the herein-before recited County Courts Acts of 1846, 1850, 1856, and 1865.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. Wherever in section one of the County Courts Act, 1850, the words "fifty pounds" occur, the words "*one hundred pounds*" shall be read in lieu thereof. Extension of jurisdiction to 100*l.*

[Bill 100.]

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A.D. 1878.

Costs not recoverable in superior courts when less than 50*l.* unless judge certifies.

2. Wherever in section five of the County Courts Act, 1867, the words "twenty pounds" or "ten pounds" occur, the words "*fifty pounds*" shall be read in lieu thereof.

County Court may by agreement try certain actions in equity.

3. In any action specified in the first section of the County Courts Act, 1865, or any Act amending the same, and which may be commenced in the Chancery Division of the High Court of Justice under the provisions of the thirty-fourth section of the Judicature Act, 1873, if all parties shall agree by a memorandum signed by them or their respective solicitors that any court named in such memorandum shall have jurisdiction to try such action, such County Court shall have jurisdiction to try the same, and all the powers vested in the County Courts or its officers, by the said County Courts Act, 1865.

Short title and construction.

4. This Act and "The County Courts Act, 1846," and the several Acts altering or amending the same, shall be construed together as one Act, and this Act may be cited as "The County Courts Act, 1878."

Commencement of Act.

5. The provisions of this Act shall come into operation on *the first day of January one thousand eight hundred and seventy-nine.*

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County Courts Jurisdiction.

A

B I L L

To extend the Jurisdiction of County Courts.

(*Prepared and brought in by Mr. Norwood, Mr. Sampson Lloyd, Mr. Watkin Williams, and Mr. Waddy.*)

Ordered, by The House of Commons, *to be Printed,* 4 *February* 1878.

[Bill 100.]

Under 1 *oz.*

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A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

TO

Extend the Jurisdiction of County Courts. A.D. 1878.

WHEREAS by the County Courts Act, 1846, the County Courts have jurisdiction in all pleas of personal actions where the debt or damage claimed is not more than twenty pounds, whether on balance of account or otherwise, provided that such courts have not cognizance of any action of ejectment, or in which the title to any corporeal or incorporeal hereditaments, or to any toll, fair, market, or franchise, shall be in question, or in which the validity of any devise, bequest, or limitation under any will or settlement may be disputed, or for any malicious prosecution, or for any libel or slander, or for seduction, or breach of promise of marriage: 9 & 10 Vict. c. 95. s. 58.

And whereas by the County Courts Act, 1850, the jurisdiction of the several courts extends to the recovery of any debt, damage, or demand not exceeding the sum of fifty pounds, and to all actions in respect thereof (save and except the several actions specified in the proviso in section fifty-eight of the herein-before firstly-recited Act): 13 & 14 Vict. c. 61. s. 1.

And whereas by the County Courts Act, 1856, the County Courts are empowered to try all actions, except actions for criminal conversation, which may be brought in any superior court of common law, if both parties shall agree by a memorandum signed by them, or their respective attorneys, that any County Court named in such memorandum shall have power to try such action: 19 & 20 Vict. c. 108. s. 23.

And whereas by the County Courts Act, 1865, limited jurisdiction in equity was conferred on the County Courts: 28 & 29 Vict. c. 99.

And whereas by the County Courts Act, 1867, limited jurisdiction was conferred in actions of ejectment, and in which the title to any corporeal or incorporeal hereditaments shall come in question:

And whereas it is expedient to enlarge the jurisdiction conferred on the County Courts by the herein-before recited County Courts Acts of 1846, 1850, 1856, 1865, and 1867:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and

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A.D. 1878.

Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Extension of jurisdiction under Act of 1850 to 200*l.*

1. Wherever in section one of the County Courts Act, 1850, the words "fifty pounds" occur, the words "two hundred pounds" shall be read in lieu thereof.

Extension of jurisdiction under Act of 1856 to 200*l.*

2. Wherever in sections fifty, fifty-one, or fifty-two of the County Courts Act, 1856, the words "fifty pounds" occur, the words "two hundred pounds" shall be read in lieu thereof.

Extension of jurisdiction under Act of 1867 to 40*l.*

3. Wherever in sections eleven and twelve of the County Courts Act, 1867, the words "twenty pounds" occur, the words "forty pounds" shall be read in lieu thereof.

County Court to have jurisdiction in certain actions, with power of removal as of right.

4. Any action which can be brought in the High Court of Justice, excepting those actions which are assignable only to the Probate, Divorce, and Admiralty Division thereof, may be commenced in a County Court; but where such action could not have been commenced in a County Court but for this section, such action shall be removed into the said High Court, as of right, upon the application of the defendant.

Enactment repealed.

5. The enactment specified in the schedule to this Act is hereby repealed to the extent mentioned in the second column to the said schedule.

Eight days substituted for sixteen days as to default summons.

6. Wherever in section one of the County Court Act, 1875, the words "sixteen days" occur, with reference to default summons and judgment thereon, the words "eight days" shall be read in lieu thereof.

A default summons, half fees to be charged.

7. In every action in which a default summons shall be issued under the first section of the County Court Act, 1875, by the solicitor of the plaintiff to be served by him on the defendant, one half only of the court fee on the issue of such summons shall be charged.

Salaries of County Court judges.

8. *From and after the commencement of this Act there shall be paid as salary to every judge of County Courts, exclusively of his allowance for travelling expenses, the sum of two thousand pounds a year.*

Retiring pension of County Court judges after twenty years.

9. *Every judge of a County Court who shall have performed the duties of his office for the space of twenty years shall be entitled to receive, on resignation of his said office, an annuity, or clear yearly sum of money for the term of his life, amounting to two thirds of the salary to which he shall be entitled under this Act, and such*

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annuity shall be paid by the Commissioners of Her Majesty's Treasury out of the Consolidated Fund quarterly.

Costs in inferior courts not to exceed costs allowed in a County Court.

10. Where any action shall be brought in any other court than the High Court of Justice which could have been brought in a County Court, where judgment shall have been recovered for less than twenty pounds in contract or ten pounds in tort, the plaintiff shall not recover from the defendant a greater amount of costs than he would have been allowed if the action had been brought in such County Court, any Act to the contrary notwithstanding.

Short title and construction.

11. This Act and the County Courts Act, 1846, and the several Acts altering or amending the same, shall be construed together as one Act, and this Act may be cited as the County Courts Act, 1878.

Commencement of Act.

12. The provisions of this Act shall come into operation on the first day of January one thousand eight hundred and seventy-nine.

SCHEDULE.

1. Title of Act.	2. Extent of Repeal.
The County Courts Act, 1846 -	The words "or for any malicious prosecution" in section 58.

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County Courts Jurisdiction.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

To extend the Jurisdiction of County Courts.

(*Prepared and brought in by Mr. Norwood, Mr. Sampson Lloyd, Mr. Watkin Williams, and Mr. Waddy.*)

Ordered, by The House of Commons, *to be Printed*, 5 *July* 1878.

[Bill 241.] +

Under 1 *oz.*

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1883, Nov. 22. Summer fund.

A

B I L L

TO

Further extend the Jurisdiction of the County Courts. A.D. 1878.

Preamble. WHEREAS much public dissatisfaction has arisen from the delay in the despatch of civil business in the High Court of Justice, and it is desirable, for the purpose of lessening such delay, that greater facilities should be afforded for the trial of causes in the County Courts of England and Wales, and that the jurisdiction of these courts should be further extended:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Jurisdiction in common law actions extended to 200*l.* **1.** The jurisdiction conferred on the County Courts by the County Courts Acts, 1846 and 1850, shall be extended to all actions of which the said courts have cognizance for the recovery of any debt, damage, or demand not exceeding in amount or value the sum of *two hundred pounds*, and the said Acts and the several Acts amending and altering the same, and the rules and orders for the time being being in force in pursuance or by virtue of any of the said Acts, shall be extended and apply to all debts, damages, and demands which may be sued for in any of the said courts, not exceeding in amount or value the said sum of *two hundred pounds*, and to all proceedings and judgments for the recovery of the same, as fully and effectually to all intents and purposes as the same respectively are now or may be applicable to debts, damages, and demands within the existing jurisdiction of the said courts.

Concurrent jurisdiction of High Court. Actions may be removed under a judge's order from County Court into **2.** Any defendant to any action brought in a County Court under the provisions of this Act, in which the claim exceeds *fifty pounds* in amount or value, or in which a defence by way of set-off or counter-claim exceeding that sum in amount or value is set up in good faith by any defendant, may apply at any time on any reasonable grounds to a superior judge, sitting in chambers, for leave to remove such action into the High Court of Justice, and

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A.D. 1878.

High Court of Justice on cause shown.

if upon cause shown, such judge is of opinion that the action is a proper one to be removed, or that for some special reason it ought to be disposed of in the said High Court, he may, in the exercise of his discretion, order its removal accordingly, upon such terms (if any) as to security for costs and otherwise as he shall think fit; and may by any such order direct at what stage in the action or proceeding the proceedings in the said High Court shall commence, and the same shall thenceforth be continued and prosecuted in the said High Court as if they had been originally commenced therein.

Extended jurisdiction of County Court protected by costs.

3. From and after the commencement of this Act, if any action is brought in the High Court of Justice, in which a claim capable of being valued in money is made, and which might, under the provisions of this Act, have been brought in a County Court, and if in such action the plaintiff shall not recover, obtain, or establish any debt, damages, or demand exceeding *fifty pounds* in amount or value, the costs allowed him shall not exceed the costs to which he would have been entitled if such action had been brought in a County Court, unless the said High Court or a judge thereof shall otherwise order.

This Act and the County Courts Acts to be construed together.

4. The County Courts Act, 1846, and the several Acts altering and amending the same, shall be construed together with this Act as one Act.

Commencement of Act.

5. This Act shall come into operation on the *second day of November* next after the passing thereof, and may be cited as the County Courts Act, 1878.

Short title of Act.

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County Courts Jurisdiction (No. 2).

A

B I L L

To further extend the Jurisdiction of the County Courts.

(*Prepared and brought in by Sir Eardley Wilmott and Mr. Forsyth.*)

Ordered, by The House of Commons, *to be Printed, 7 February* 1878.

[Bill 102.]

Under 1 *oz.*

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County Court Jurisdiction (No. 3) Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. County Court to have jurisdiction without limit as to amount.
2. County Court and High Court of Justice to have concurrent jurisdiction.
3. Actions may be transferred to and from the County Court and High Court of Justice.
4. Right of appeal in action over ten pounds and further appeal in action over fifty pounds.
5. Appeals to be by notice of motion and by way of rehearing.
6. Parties colourably mis-stating case in order to avoid transfer to be deprived of costs.
7. Formal pleading not to be necessary in transferred action.
8. County Court judge to make report of trial and decision.
9. Appellant under special circumstances may rely upon other materials.
10. Interpretation of terms.
11. Rules of court to be formed.
13. Commencement and short title.

SCHEDULE.

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A

B I L L

TO

Extend the Jurisdiction of the County Court, and to facilitate the Transfer of Actions to and from the County Court and the High Court of Justice; and for other purposes. A.D. 1878.

WHEREAS the County Court has jurisdiction in certain actions within certain limits as to amount and value, and it is desirable and expedient to extend the jurisdiction of the said court in such actions without limit as to amount or value:

And whereas the County Court has, in a certain degree, exclusive jurisdiction where the subject-matter of the action does not exceed a certain amount or value, and it is expedient to give to suitors a greater freedom in the choice of tribunal than at present exists, subject to a power of transfer for good and sufficient cause:

And whereas it is expedient to extend the right of appeal from the County Court, and to simplify and improve the practice and procedure therein:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

County Court to have jurisdiction without limit as to amount.

1. In all actions cognizable by the County Court the jurisdiction of such court shall be and is hereby extended without limit as to the amount or value of the subject-matter.

County Court and High Court of Justice to have concurrent jurisdiction.

2. In all actions in the last preceding section mentioned the County Court and the High Court of Justice shall have concurrent jurisdiction so far as mere amount or value affects the same, and all enactments tending to secure exclusiveness of jurisdiction to the County Court in cases where the amount recoverable or recovered does not exceed a certain sum, whether such exclusive jurisdiction be secured by means of disentitling parties to costs or otherwise, shall, so far as they secure such exclusiveness of jurisdiction, be and the same are hereby repealed.

Actions may be transferred to

3. In any action in the High Court of Justice or in the County Court it shall be lawful for the High Court of Justice, or any

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A.D. 1878.

and from the County Court and High Court of Justice.

judge thereof, upon the application of any party thereto, in a summary way, and at all times, and from time to time, for good and sufficient cause as herein-after defined, to transfer the said action and all proceedings therein from the High Court of Justice to the County Court, or from the County Court to the High Court of Justice, as the case may be, and as often as may be required, and to make such order as to payment of costs of and incidental thereto as may appear just, and the power of transfer from the County Court to the High Court of Justice may be exercised by the judge of the County Court in which the action may have been brought, and the order transferring any action may at any time be varied or amended by the High Court of Justice or a judge thereof.

Right of appeal in action over 10*l.* and further appeal in action over 50*l.*

4. In all actions in which judgment shall be given in the County Court when the subject matter in dispute exceeds *ten pounds* in value an appeal shall lie as of right, and where the subject-matter in dispute exceeds *fifty pounds* in value a further appeal shall lie as of right from the court of appeal from inferior courts, and in all cases whatsoever an appeal shall lie from the County Court or from the court of appeal therefrom, by the special leave of the court from which the appeal proceeds, or of the Appellate Court to which such appeal is to be brought.

Appeals to be by notice of motion and by way of re-hearing.

5. All appeals from the County Court may be by notice of motion in the Appellate Court, and upon the best materials that the appellant shall be able to bring before the Appellate Court, and the appeal shall be from the substance of the decision appealed from without regard to whether the question be one of law or of fact, or a mixed question of law and fact, and shall be by way of rehearing: Provided always, that an appeal shall not operate as a stay of execution except by order of the court from which the appeal proceeds, or of the Appellate Court in such case, or of a judge of the High Court of Justice, and such order may be made upon such terms as to payment of money into court, or giving security or otherwise as to such court or judge may appear just.

Parties colourably mis-stating case in order to avoid transfer to be deprived of costs.

6. Upon the application of any party to any action tried in the High Court of Justice it shall be lawful for the court or a judge thereof, if it be shown to their or his satisfaction that any party to such action has in the course of the proceedings colourably mis-stated the nature or amount of his claim, defence, or counter-claim in order to avoid or defeat a transfer of the action to the County Court, to deprive such last-named party of all costs, or to order that he shall have no more costs than he would have been entitled to if the action had been transferred to the County Court.

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A.D. 1878.

Formal pleading not to be necessary in transferred action.

7. Subject to rules of court, when any action is transferred from the County Court to the High Court of Justice, or from the High Court of Justice to the County Court, no formal pleadings or proceedings shall be necessary, but it shall be lawful for the court or judge making the transfer to order such formal pleadings or proceedings to be had and taken in such action as shall seem convenient and necessary.

County Court judge to make report of trial and decision.

8. In all cases of appeal from a County Court it shall be the duty of the judge by and before whom the action shall have been tried to furnish a report of the trial of the same and of the reasons for his decision therein for the court of appeal, and to supply each of the parties with a copy thereof upon payment of a reasonable fee in that behalf, to be fixed by rules of court, to be accounted for to Her Majesty's Treasury.

Appellant under special circumstances may rely upon other materials.

9. The appellant in an appeal from a County Court shall not necessarily be limited to the report of the County Court judge, but may, under special circumstances and subject to rules of court, rely upon such further and other materials as may be necessary and just in order to have a complete appeal from the decision of the County Court.

Interpretation of terms.

10. The term "action" includes suits and proceedings for the administration of estates, or for the execution of trusts, or for foreclosure or redemption, or enforcing any charge or lien, or for specific performance or reforming, or delivering up or cancelling agreements for the sale, purchase, or lease of property, or for the dissolution or winding up of partnerships, or for partition of property and proceedings under the Trustee Relief and Trustee Acts, or for recovery of salvage.

Rules of court to be formed.

11. Orders and rules of court shall be made, and may from time to time be altered or amended by the authority duly constituted for making rules of the Supreme Court of Judicature, defining what shall constitute a good and sufficient cause for the removal of an action from the High Court of Justice to the County Court, or from the County Court to the High Court of Justice, and also for regulating the practice in relation to such removal, and the practice in relation to appeals from the County Court, and in the meantime and until such orders and rules are made, the orders and rules set forth in the Schedule to this Act shall apply.

12. Nothing in this Act shall affect any action commenced before the passing of this Act.

Commencement and short title.

13. This Act shall come into operation *on the first of January one thousand eight hundred and seventy-nine*, and may be cited as "The County Court Jurisdiction Act, 1878."

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SCHEDULE.

A.D. 1878. ORDERS and RULES of COURT for carrying out the provisions of "The County Court Jurisdiction Act, 1878."

TRANSFER OF ACTIONS.

ORDER I.

In actions in County Court above certain amounts parties entitled *primâ facie* to order of transfer.

Rule 1. As to actions commenced in the County Court.—If in any personal action for debt or damages, or the recovery of property, the subject-matter in dispute exceeds fifty pounds in value, or if in any action of ejectment the rent or the annual value of the premises sought to be recovered exceeds fifty pounds per annum, or if in any action for the administration of any estate, or for the execution of trusts, or for foreclosure or redemption, or the enforcing of any charge or lien, or for the specific performance, reforming, delivering up, or cancelling any agreement for the sale, purchase, or lease of property, or for the dissolution or winding up of a partnership, or for a partition, or for any matter under the Trustee Relief or Trustee Acts, or in any action under the admiralty jurisdiction of the court, the subject matter of the action exceeds five hundred pounds in value, there shall be deemed *primâ facie* to exist a good and sufficient cause for the transfer of the action to the High Court of Justice, and the party applying for the same shall be entitled to an order of transfer, unless it be shown to the satisfaction of the court or a judge by any party objecting thereto that some good or sufficient cause exists within the meaning of these rules for not transferring the same.

In actions in High Court of Justice below certain amounts parties entitled *primâ facie* to a transfer.

Rule 2. As to actions commenced in the High Court of Justice which are cognizable in the County Court.—If in any personal action for debt or damages, or the recovery of property, the subject-matter in dispute does not exceed fifty pounds in value, or if in any action of ejectment the rent or annual value of the premises sought to be recovered does not exceed fifty pounds per annum, or if in any action which would be within the equity or admiralty jurisdictions of the County Court the subject-matter does not exceed five hundred pounds in value, there shall be deemed *primâ facie* to exist a good and sufficient cause for the transfer of the same to the County Court, and the party applying for the same shall be entitled to an order of transfer, unless it be shown to the satisfaction of the court or judge by any party objecting thereto that some good and sufficient cause within the meaning of these rules exists for not transferring the same; and in case of a transfer the court or judge may order the party who has commenced the action in the High Court of Justice to pay any additional costs occasioned by his so doing, together with the costs of transfer, if it shall appear just so to do.

Certain matters to constitute good and sufficient cause for transfer to High Court of Justice.

Rule 3. A good and sufficient cause for transferring actions from the County Court to the High Court of Justice shall be deemed to exist in the following cases:

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(*a.*) Where a commission to obtain evidence is required and ought to issue.

(*b.*) Where the action is one fit to be tried by a special jury.

(*c.*) Where the action is one in which difficult, novel, or important questions of law are likely to arise.

(*d.*) Where important principles of general application, whether of law or fact, arise.

(*e.*) Where it appears to the court or judge convenient and proper that an action in the County Court should be transferred to the High Court of Justice for the purpose of being tried at the assizes.

(*f.*) Where special circumstances exist which in the opinion of the court or judge make the action one fit to be tried in the High Court of Justice.

Rule 4. A good and sufficient cause for transferring an action from the High Court of Justice to the County Court shall be deemed to exist when none of the matters mentioned in Rule 4 exist, or where special circumstances exist which in the opinion of the court or a judge make the action more fit for the County Court than the High Court of Justice.

Rule 5. When an action is transferred the order transferring the same shall, subject to variation by further order of the court to which the same is transferred, or a judge thereof, provide for the following matters:

(*a.*) The place where, subject to a change of venue, the action shall be tried.

(*b.*) The pleadings, particulars, or proceedings, if any, to be delivered or taken in the action after transfer.

(*c.*) The special purpose, if any, for which the action is transferred.

(*d.*) The re-transfer of the action if it is transferred only for a special and temporary purpose.

(*e.*) Where the action is transferred for the purpose of being tried at the assizes or elsewhere the questions or issues of law or fact, or mixed law or fact, to be tried.

Rule 6. Where in any action transferred to the High Court of Justice there are no pleadings the action shall be entered for trial by leaving with the proper officer a fair copy of the proceedings in the action, together with the order of transfer.

Rule 7. When an action has been transferred the further proceedings shall be entitled in the court to which the same has been transferred, and a memorandum shall be entered thereon, showing that it has been so transferred, together with the date of transfer.

APPEALS.

ORDER II.

Rule 1. Appeals from the County Court shall be by notice of motion, and the appeal shall be founded upon the report of the County Court judge by or before whom the action shall have been tried.

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A.D. 1878.

Rule 2. In case it shall be made to appear to the satisfaction of the Appellate Court, upon the application of either party, upon the hearing of the appeal, that there is no report from the County Court judge, or that the report of the County Court judge is imperfect or inaccurate, either party shall be at liberty, with the leave of the said court, to bring before the court such other or additional materials as the court shall allow, and upon such terms as the court shall think reasonable and just; provided that the party applying for leave to use such other or additional materials shall have given four clear days notice of such application to the other party, with a copy of the materials intended to be used.

Rule 3. The fee for a copy of the judge's report shall be at the rate of 4*d.* per folio.

GENERAL MATTERS.

ORDER III.

Rule 1. The term "action" in these orders has the same meaning as in the Act.

County Court Jurisdiction. (No. 3.)

A

B I L L

To extend the jurisdiction of the County Court, and to facilitate the Transfer of Actions to and from the County Court and the High Court of Justice; and for other purposes.

(*Prepared and brought in by Mr. Watkin Williams, Mr. Sampson Lloyd, and Mr. Joseph Cowen.*)

Ordered, by The House of Commons, *to be Printed* 3 *July* 1878.

[Bill 239.] *Under* 1 *oz.*

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A

B I L L

TO

Amend the jurisdiction and procedure of the County Courts, and for the discouragement of frivolous defences therein. A.D. 1878.

WHEREAS the pecuniary limit of the jurisdiction conferred by statute upon the county court is very various, and it is expedient that the same should be, as far as practicable, rendered uniform, and the recovery of demands to which there is no defence on the merits be made more easy:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and the Commons, in this present Parliament assembled, as follows; that is to say,

Jurisdiction of county court extended to 500*l.*

1. Subject to the provisions of this Act, the county court shall have jurisdiction to hear and determine any action or proceeding otherwise cognizable in such court, when neither the claim nor counter claim made therein, nor the value of any property, real or personal, or of any right, the subject matter of or which would be bound by the judgment in any such action or proceeding exceeds *five hundred pounds*.

Proceedings may be transferred to the High Court of Justice, &c. in certain cases.

2. Where in any action or proceeding brought or prosecuted in the county court, and which but for this Act could not have been so brought or prosecuted, the defendant shall satisfy the High Court of Justice, or a judge thereof, that for any good reason it is expedient that such action or proceeding should not be prosecuted to judgment in the court in which the same is pending, the said High Court, or a judge thereof, may either order the transfer of such action or proceeding into the said High Court, or into any other court of competent jurisdiction with regard to the pecuniary amount in dispute, but without regard to locality, and may by such order direct the transfer to take effect forthwith, or at any future stage of the proceedings, and may thereby direct at what stage the proceedings in the court to which such transfer shall take place shall commence. Any order of transfer under this section may be made

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A.D. 1878.

either unconditionally or subject to any terms and conditions whatsoever, which the court or judge directing the same may in their or his absolute discretion impose, and shall *ipso facto* confer on the court designated therein full jurisdiction to hear and determine the matter transferred thereto.

Provision for cases where claim or counter claim exceeds 500*l.*

3. Where in any action or proceeding commenced in a county court the judge of such court is satisfied at any stage of such action or proceeding that any counter claim set up in good faith by the defendant, or any property, real or personal, or any right the subject matter of or which would be bound by the judgment in such action or proceeding, exceeds in value *five hundred pounds*, he shall order the proceedings to be transferred into the proper division of the High Court of Justice, and such proceedings shall thereupon be transferred accordingly and continued in the said High Court from the stage at which they were so transferred.

Jurisdiction protected by costs.

4. When any action or proceeding which under the provisions of the County Courts Acts or this Act may be commenced in a county court is commenced in the High Court of Justice, the plaintiff shall not be entitled to have or recover any further costs than he would have been entitled to have or recover if such action or proceeding had been commenced in the county court, unless the said High Court, or a judge thereof, shall otherwise order; and the said High Court, or a judge thereof, may order the transfer of such action or proceeding at any stage thereof into such county court or other inferior court of record as such High Court or judge shall think fit, and the order of transfer shall *ipso facto* confer on the court designated therein full jurisdiction to hear and determine the matters transferred thereto.

Rules to be made for transfer of proceedings.

5. Provision shall be made by rules of the High Court of Justice, and of the county courts respectively, for regulating the transmission of the record and other proceedings in the custody of any officer of the court when any order of transfer is made under this Act.

Power to registrars to over-rule frivolous defences.

6. When a defendant in the county court appears to the summons, or after having given notice of his intention to defend, or object to the jurisdiction of the court, the registrar may inquire into the grounds of such refusal or, as the case may be, of such objection, and if it shall appear to him that the grounds of such refusal or objection as aforesaid are frivolous, he may proceed to enter judgment and to settle the terms and conditions of payment as if the defendant had admitted the claim.

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A.D. 1878.

The registrar to hold sittings for hearing undefended cases. Practice thereon.

7. The registrar of every county court which is usually holden at less frequent intervals than *fourteen* days shall hold a public sitting once at least in every week on the market or other convenient day for entering judgment by default, accepting the admissions of defendants, and for inquiring into the grounds of defences, and of objections to the jurisdiction of the court. The plaintiff in any action to recover a liquidated money demand only, may, at his option, either issue a summons in the ordinary form, or a summons in the form in the schedule to this Act annexed, or to the like effect. If the defendant served with a summons in such form according to the practice in use for the service of ordinary summonses shall within *six* days after such service give notice to the registrar of his intention to defend the action or object to the jurisdiction of the court, all such further proceedings shall be taken thereon as if the summons had been originally issued under the provisions of section one of the County Courts Act, 1875, and such notice had been given under the provisions of that Act. If the defendant fails to give such notice and does not appear according to the exigency of the summons, or appears and fails to satisfy the registrar that he has some ground of defence to the action or of objection to the jurisdiction of the court which is not frivolous, the registrar shall proceed to enter judgment and settle the terms and conditions of payment as if the defendant had admitted the claim. If the defendant appears and satisfies the registrar that he has some ground of defence or of objection to the jurisdiction of the court which is not frivolous, the registrar shall thereupon adjourn the cause into court, together with the minute of the defence set up, and the same shall be heard and determined at the next sitting of the county court, according to the ordinary practice thereof, without the defendant being called upon to give notice of any defence appearing in such minute.

Power to apply to judge to rehear cases decided by registrar.

8. Any person against whom judgment shall be entered by the registrar under the provisions of this Act may, at the first convenient opportunity, apply to the judge to rehear the case, and if the judge is of opinion that it is expedient for the ends of justice that the case shall be reheard he shall proceed to rehear the same, and shall make such order therein as to justice shall appertain.

Costs to defendant in certain cases.

9. When any proceeding which has been dealt with by the registrar under the provisions of this Act is determined by the judge, either by way of rehearing or upon adjournment into court by the registrar, and the judge is satisfied that the plaintiff at the time of issuing the summons had notice that the defendant disputed

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A.D. 1878.

the claim on grounds which are not frivolous he shall in any event award to the defendant such costs as may be reasonably sufficient to indemnify him for the expenses which he may have incurred in attending before the registrar in obedience to the summons.

Power to discontinue unnecessary county courts.

10. Her Majesty may, by Order in Council, direct that any county court in which the sum claimed in the proceedings heard and determined by the judge thereof, after hearing both parties, and in which no judgment shall have been entered by default, admission, or consent, shall not have exceeded the average amount of *twenty pounds*, exclusive of costs, per court day during the year next preceding the date of such order, shall, from and after a day to be specified in such order, cease to be holden as a separate county court, but shall from thenceforth be affiliated to and become a branch of some other county court to be named in such order.

Upon the making of any such order the following consequences shall ensue:

From and after the prescribed date no separate county court shall be holden for the district of such branch court, except as herein-after provided:

The county court office of such branch court shall be continued, and plaints shall be entered, and summonses, warrants, and all other process of the court shall be issued therefrom, but every summons to a defendant to appear so issued, except—

A summons to appear before the registrar under the provisions of this Act shall require the defendant to appear at the county court to which such branch court has been affiliated, and not at the branch court, and all matters arising in the course of any proceedings commenced in the office of a branch court which cannot be dealt with and disposed of by a registrar or other ministerial officer shall, subject to the provisions of this Act, be heard and determined before the judge of the county court to which the branch court is affiliated:

The person charged with the duties of registrar of the branch court shall hold public sittings at the place at which the office thereof is situated, for the purposes herein-before directed in the case of county courts usually holden at less frequent intervals than *fourteen days*, such sittings to be holden at such intervals, and after such notice as the Lord Chancellor shall from time to time direct, and on such days and hours as the person charged with the duties of registrar shall, with the consent of the judge of the county court to

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which such branch court is affiliated, having regard to such direction, appoint:

Whenever it shall be made to appear to the judge by the certificate of the registrar, or the affidavit of any person interested, that in consequence of the numbers or nature of the proceedings issued out of the office of any branch court affiliated to his county court, and then depending and undetermined, costs to the amount of *five pounds* would be saved by the holding of a special branch court before himself for the hearing and determination of such proceedings, it shall be his duty to appoint and hold a special branch court for that purpose at the place in which the office of the branch court is situate:

Every such special branch court shall, besides disposing of the special business in respect of which it was appointed, deal with and dispose of all matters pending and ripe for trial within the district thereof. It may be holden on the day appointed for the holding of a county court before the same judge, and two or more of such special branch courts may be holden before him on the same day:

The public sittings of the person charged with the duties of registrar and special branch courts shall be holden in the buildings in which county courts are now holden, *and the expenses of holding the same shall be defrayed in the same manner and out of the same funds as the expenses of holding county courts are now defrayed.* Public notice shall be given of the holding of every such special branch court in the manner now used in the case of the sittings of the county court at least one calendar month before the holding thereof:

Provision shall be made by rules of court for the distribution between the branch court and the county court to which it is affiliated, and between the offices of such courts respectively, of the ministerial business pending in such courts and their respective offices, and of contentious business arising in the branch court between the day of giving notice of the sitting and the actual sitting of such branch court, and for the giving to all persons interested due notice to attend any special branch court:

Until the occurrence of a vacancy in the offices of registrar and high bailiff of the county court becoming a branch court the existing registrar and high bailiff shall continue to discharge all the duties and be entitled to all the salary and emoluments of their respective offices as if the court had continued to be an ordinary county court, but upon the occurrences of any such

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A.D. 1878.

vacancy the vacant office shall not be filled up, but all the duties thereof shall be discharged by the registrar, or, as the case may be, by the high bailiff of the county court to which the branch court shall be affiliated, *who shall respectively be entitled to receive such increase of salary and allowances for the expenses of their respective offices as the Treasury shall in every case deem reasonable.*

Salaries of the judges, county courts.

Their precedence.

11. *From and after the commencement of this Act there shall be paid as salary to every judge of county courts, exclusively of his allowance for travelling expenses, the sum of two thousand pounds a year,* and such judges shall have place and precedence next after the Solicitor General for the time being, and amongst themselves according to the priority of their appointments, and shall be capable of discharging the same functions (not being functions prohibited by section sixteen of the County Courts Act, 1852), as if they had been respectively appointed Her Majesty's counsel learned in the law on the day of the commencement of this Act, or on the days of the date of their respective appointments which shall last happen.

Power to give costs and punish contempt.

12. The county court may allow the costs of the employment of solicitor or counsel, or both, in any proceeding before it, whatever the amount of the claim, in its absolute discretion, and shall, in addition to its other powers, have and exercise all such powers of punishing contempts of court as are incident by the common law to inferior courts of record; and for the purposes of this section contumacious disobedience to any lawful order of the court, fraudulent or malicious abuse of process, and wilful obstruction or intimidation of suitors or witnesses, shall, wherever the acts constituting the offence shall be done, be deemed to be contempts committed in the face of the court and punishable accordingly.

Commencement of Act.

Short title.

13. *This Act shall come into operation on the second day of November next after the passing thereof.* It shall be construed as one with the County Courts Acts and may be cited as the County Courts Jurisdiction Act, 1878.

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SCHEDULE.

A.D. 1878.

In the County Court of
holden at (a)

A. B. of, &c. plaintiff.

Between and

C. D. of, &c. defendant.

(a) When the proceedings commenced in a branch court insert the style of the county court to which it is affiliated.

To the defendant,

You are hereby summoned to appear before me at a public sitting to be holden at at the hour of in the [fore]noon, to show cause why the plaintiff should not have judgment against you for the sum of *l.*, which he claims against you for (*here state shortly the cause of action, and in cases where the demand is more than forty shillings add*) [the particulars whereof are hereto annexed]. And take notice that unless you either appear in obedience to this summons and satisfy me that you have some ground of defence to the action or of objection to the jurisdiction of the court, or else within six days after the service of this summons on you, inclusive of the day of such service, you give notice in writing to me that you intend to defend the action or to object to the jurisdiction of the court, the plaintiff will be entitled to enter judgment against you for the amount claimed without further notice.

X. Y., Registrar,
(*To be signed by the person charged with the duties of registrar.*)

Amount claimed £
Costs of the summons

If you admit the claim you can, by paying the above amount into court five days before the sitting, avoid all further expenses.

The registrar's office is at [*address of office out of which the summons issued*].

Hours of attendance.

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County Courts Procedure.

A

B I L L

To amend the jurisdiction and procedure of the County Courts, and for the discouragement of frivolous defences therein.

(*Prepared and brought in by Mr. Rowley Hill, Mr. Clive, Mr. Joseph Cowen, and Mr. Reginald Yorke.*)

Ordered, by The House of Commons, *to be Printed*, 6 *March* 1878.

[Bill 125.]

Under 1 *oz.*

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County Government Bill.

ARRANGEMENT OF CLAUSES.

Preliminary.

Clause.
1. Short title of Act.
2. Application of Act.

PART I.

COUNTY ADMINISTRATION.

Administration of county business.

3. Constitution of court of quarter sessions in relation to judicial and administrative business.
4. Constitution of court as a County Board.
5. Certain boroughs to be represented on County Board.
6. Elective members qualified as justices in administrative business.
7. Style of County Board.
8. Scheduled regulations as to return of members.

PART II.

NEW POWERS OF COUNTY BOARD.

Powers of County Board in relation to Main Roads.

9. Disturnpiked roads lying within contributory highway areas to be main roads and repaired as in Act mentioned.
10. Description of contributory highway areas.
11. Repair of main roads partly by county, partly by local authority.
12. Ordinary highway may become a main road by provisional order.
13. Main road may be reduced to status of ordinary highway by provisional order.
14. Power for County Board to erect new toll-gates and levy tolls in certain cases on main roads.

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Clause.

15. Establishment of county road fund, and highway authorities to contribute thereto.
16. Mode of obtaining contribution from highway authorities to county road fund.
17. Recovery of expenses of repair by County Board.
18. Set-off of account between County Board and contributory areas.
19. Prohibition of elective member voting in respect of roads not within his district.
20. Exemption of certain places from Act in so far as relates to main roads.

Power of County Board to enforce performance of duty by defaulting Highway Authority.

21. Proceedings on complaint to County Board of default of highway authority.

Powers of County Board for Prevention of Pollution and for Conservancy of Rivers.

22. County Boards may enforce statutory provisions in relation to pollution of rivers.
23. County Boards may become conservancy authority for rivers.

Power of County Board in relation to Asylums and Schools for Imbecile Poor and Pauper Children.

24. Power of County Board to frame schemes for asylums and schools for imbecile poor and pauper children.

Adjustment of Areas.

25. Adjustment of areas.

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TO

Amend the Law relating to the Administration of County Business, and to make further provision for County Government. A.D. 1878.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

Short title of Act.

1. This Act may be cited for all purposes as "The County Administration Act, 1878."

Application of Act.

2. This Act shall not extend to Scotland or Ireland.

PART I.

COUNTY ADMINISTRATION.

Administration of county business.

Constitution of court of quarter sessions in relation to judicial and administrative business.

3. The court of quarter sessions of a county, when transacting judicial business or any business relating to prisons or police, shall be constituted as hitherto by the justices of the county in sessions assembled; but save as aforesaid, when transacting administrative business, shall be constituted as a County Board in manner in this Act after mentioned.

Constitution of court as a County Board.

4. Subject as is in this Act mentioned, and to the provisions in this Act contained, as to the representation on the County Board of certain boroughs, the court of quarter sessions constituted as a County Board, and in this Act referred to as the County Board, shall consist of two justices of the county to be chosen and two elective members to be elected as members of that Board for each petty sessional division of the county.

The two justices shall in each case be chosen by the justices of the county in quarter sessions assembled, and in making such choice the justices shall have regard to the petty sessional divisions

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of the county, and so far as is practicable to the representation of such divisions by justices resident or usually acting therein.

The two elective members to be elected for each petty sessional division of a county shall be elected by the elective guardians of the rural parishes situate in such petty sessional division, and a person shall not be qualified to be elected an elective member of a petty sessional division unless he is an elective guardian, or a person qualified to be an elective guardian, of some rural parish in such petty sessional division.

The members of the County Board, whether chosen by the justices or elected by the elective guardians, shall hold their offices for one year only, but a retiring member shall, if qualified, be re-eligible.

Certain boroughs to be represented on County Board.

5. Where a borough wholly situate in one county has a separate commission of the peace, but not a separate court of quarter sessions, and has, according to the census for the time being in force, a population of twenty thousand persons or upwards, such borough shall be deemed to be an electoral division of the county in which it is situate distinct from a petty sessional division, and the council of such borough shall by resolution appoint four members to serve on the County Board of such county.

Where a borough wholly situate in one county has a separate commission of the peace, but not a separate court of quarter sessions, and has a population, according to the census for the time being in force, of less than twenty thousand persons, the parish or parishes, or parts of a parish or parishes, of which such borough consists shall, for the purposes of this Act, in so far as relates to the election of members of a County Board, be dealt with as a rural parish or rural parishes, or as parts of a rural parish or rural parishes.

Where a borough having a separate commission of the peace, but not a separate court of quarter sessions, is situate in more than one county, then any part thereof situate in any one county, and containing, according to the census for the time being in force, a population of twenty thousand persons or upwards, shall be deemed, for the purposes of this Act, in relation to the election of members of a County Board, to be a separate borough wholly situate in such last-mentioned county, and any part thereof situate in any one county and containing a population of less than twenty thousand persons shall, for the purposes of this Act, in so far as relates to the election of members of a County Board, be dealt with as a separate rural parish or parishes, or parts of a separate rural parish or parishes.

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A person shall not be qualified to be appointed by the council of a borough to be a member of a County Board unless he is a member of the council by which he is appointed, or is qualified to be a member of such council.

The members of a County Board appointed by the council of a borough shall hold their offices for *one year* only, but a retiring member shall, if qualified, be re-eligible.

The members of a County Board appointed by the council of a borough are in this Act, when not specially mentioned, or excluded by the context, included in the term elective members.

Elective members of County Board qualified as justices in administrative business.

6. An elective member of the County Board may be appointed by that Board a member of any committee or body of persons of which he would be qualified to be appointed a member if he were a justice of the county, and an elective member of the County Board may, so long as he is a member of the Board, do or have done to him any act, matter, or thing in relation to the administrative business of the Board which he might have done or have had done to him if he were a justice of the county. In the case of pauper lunatic asylums, one half of the persons appointed by the County Board to be members of any committee of visitors shall be elective members of the Board, and if the number of persons to be appointed is not divisible by two, then the majority of such persons shall be elective members of the Board.

Style of County Board.

7. The County Board may, in all orders made and in all documents issued and things done by such Board, use the name and style of the County Board of the county of which it is a Board; but all conveyances taken, contracts made, and property acquired by the County Board shall be taken, made, and held in the name of the clerk of the peace; and such contracts may be enforced by or against the clerk of the peace for the time being, and all the provisions of the Act of the session of the twenty-first and twenty-second years of the reign of Her present Majesty, chapter ninety-two, intituled "An Act to provide for the conveyance of county property," and of any Act amending the same, shall apply accordingly, with the substitution of the expression "County Board" for the expression "justices of the peace."

Scheduled regulations as to return of members.

8. The regulations contained in the First Schedule to this Act as to the mode of returning members of a County Board under this Act, and the proceedings incident thereto, and other matters, shall be of the same force as if they were enacted in the body of this Act, and shall be deemed to be part of this Act.

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PART II.

NEW POWERS OF COUNTY BOARD.

Powers of County Board in relation to Main Roads.

Disturnpiked roads lying within contributory highway areas to be main roads and repaired as in Act mentioned.

9. For the purposes of this Act, any road which on the *first day of January one thousand eight hundred and seventy-four* was a turnpike road, and has ceased to be such, and any road which being at the time of the *passing of this Act* a turnpike road may afterwards cease to be such, shall be deemed to be a main road, and, as to so much thereof as lies within the limits of any contributory highway area, shall be repaired in manner in this Act mentioned.

Description of contributory highway areas.

10. The following areas shall be deemed to be contributory highway areas for the purposes of this Act; that is to say,

(1.) Highway districts; and

(2.) Highway parishes not included within any highway district or any urban sanitary district.

Repair of main roads partly by county, partly by local authority.

11. So much of every main road in a county as lies within the limits of a contributory highway area shall be repaired as follows; that is to say,

(1.) Where the contributory highway area is a highway district, the part of a main road situate in such highway district shall be repaired by the highway board, unless the County Board, on the application of the highway board, are willing to repair the same, in which case it may be repaired by the County Board; and

(2.) Where the contributory highway area is a highway parish, the part of a main road situate in such parish shall be repaired by the County Board, unless the County Board and the parish agree that the same shall be repaired by the parish.

Half the expenses of repairing so much of a main road as lies within a contributory highway area shall in all cases be paid out of the county road fund herein-after mentioned, and the residue out of the local rate.

The County Board, before paying out of the county road fund any portion of the expenses of repairing a main road under this Act, shall, if they have not themselves repaired such road, require the certificate of the county surveyor to the effect that such portion has been repaired to his satisfaction.

Ordinary highway may become a main road by provisional order.

12. Where it appears to a County Board that any highway within their jurisdiction, which is not a main road, ought to be

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repairable as a main road by reason of its being a medium of communication between great towns, or a thoroughfare to a railway station, or otherwise, the County Board may make an order declaring such highway to be a main road from and after a day to be named in such order; and on and after the day so named, the road to which the order relates shall be deemed to be a main road, and shall be subject to the provisions of this Act relating to the repair of main roads.

Main road may be reduced to status of ordinary highway by provisional order.

13. Where it appears to a County Board that any highway within their jurisdiction, which is, for the time being, repairable as a main road in pursuance of this Act, ought to cease to be repairable as a main road and become repairable as an ordinary highway, the County Board may apply to the Local Government Board for a provisional order, to be confirmed as in this Act mentioned, declaring that such road has ceased to be repairable as a main road and become repairable as an ordinary highway; and the Local Government Board, if satisfied that it ought to cease to be repairable as a main road and become repairable as an ordinary highway, shall make a provisional order accordingly, and on such order coming into force such road shall cease to be repairable as a main road, and shall become repairable as an ordinary highway.

Power for County Board to erect new toll-gates and levy tolls in certain cases on main roads.

14. Where it appears to a County Board, in respect of any main road within their jurisdiction, on the representation of any authority on which any part of the expense of repairing such road devolves, or if such main road is repairable by the County Board on the representation of their surveyor, that the expense of repairing such road is largely in excess of the sum which would ordinarily suffice to keep such road in repair, having regard to the average expense incurred by highway authorities in the neighbourhood in respect of a main road of equal length, and further that such excess is caused by a through traffic between places which do not contribute to the repair of such main road or otherwise by some cause independent of the local traffic of the inhabitants of the area through which the road passes, the County Board may institute an inquiry into the subject matter of such representation; and if satisfied of the truth of the representation, and that it would be just to allow of the levy of tolls to such an extent as would defray such excess of expense as aforesaid, and further that the levy of such tolls would not prejudicially interfere with the traffic producing such excess, the County Board may apply to the Local Government Board for a provisional order, to be confirmed as in this Act mentioned, authorising such County Board to make such main road a

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turnpike road and to levy tolls on such road for a term to be named in such order, and not to exceed *five years*.

It shall be lawful for the Local Government Board on any such application, after hearing any urban sanitary authority who may object that their district would be prejudicially affected by such order, to make a provisional order authorising the County Board to make such main road a turnpike road for a limited period as aforesaid, and to erect toll-gates and toll-houses in specified places on such road (care being taken to prevent such toll-gates being so put up in such places as to affect unduly the interests of the inhabitants of any town or particular district), and to levy specified tolls on such road, subject and according to the provisions of the General Turnpike Acts for the time being in force; and all the provisions of those Acts shall apply with the necessary alterations to such main road and to the County Board, as if such main road were a turnpike road, and the County Board were trustees thereof constituted in pursuance of a Local Act.

Establishment of county road fund, and highway authorities to contribute thereto.

15. There shall be established in the hands of the county treasurer of every county to which the provisions of this Act relating to main roads apply, a separate fund to be called the county road fund; an account shall be kept of all moneys carried to the credit of that fund under this or any other Act of Parliament for the time being in force, and such fund shall be applied by the County Board in or towards defraying the expenses incurred by them in the execution of their duties relating to roads.

For the purpose of defraying any such expenses which the county road fund may be insufficient to meet, the County Board may from time to time estimate the amount required, and such amount shall be contributed by the contributory highway areas within the county in proportion to the rateable value of the property within each such area, such value to be ascertained according to the valuation list for the time being in force; or if there be no valuation list available in the opinion of the Local Government Board for that purpose, then in such other manner as may be prescribed by the Local Government Board.

Mode of obtaining contribution from highway authorities to county road fund.

16. For the purpose of obtaining payment from the several contributory highway areas within the county of the sums to be contributed by them to the county road fund, the County Board shall cause precepts to be issued to the highway authorities of such areas requiring their contributions to be paid to the treasurer of the county within a time to be limited by the precept.

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The precept issued by the County Board shall state the amount in the pound of contribution required, and the officer collecting in any parish the local rate shall specify, on the receipt given to any ratepayer for such rate, the amount collected in respect of such contribution.

The occupier under a contract of tenancy existing at the date of the passing of this Act of any premises in respect of which he is rated for the purposes of this Act may, during the term of such contract, deduct from the growing rent due to the owner of such premises *one half* of the amount of contribution payable by him under this section, and every owner shall allow such deduction accordingly. The owner for the purposes of this section shall be the person for the time being entitled to receive the rackrent of the premises in respect of which the rate is made on his own account, or who would be entitled to receive the same if such premises were let at a rack-rent, including under the term rackrent any rent which is not less than *two thirds* of the net annual value of the premises out of which the rent issues.

If any highway authority to whom a precept is addressed in pursuance of this section fail to comply with the requisitions thereof, the County Board may enforce the levy of the amount specified in such precept by mandamus or other legal process, or may appoint a person to levy such amount of local rate within the jurisdiction of the defaulting authority as will in the opinion of the County Board be sufficient to defray the sum mentioned in the precept, and all expenses of levying the same, together with a proper remuneration to the officer appointed to make the levy. Any person so appointed by the County Board to levy a rate in pursuance of this section shall have the same powers of making and levying the local rate as if he were the highway authority of the area within which such rate is levied.

Recovery of expenses of repair by County Board.

17. Where the County Board repair the whole of any main road situate within a contributory highway area, they may recover so much of the expenses of such repair as are not payable out of the county road fund from the highway authority of such area in the same manner in which they are by this Act empowered to recover a contribution from such authority towards the county road fund, or as near thereto as circumstances admit.

Set-off of account between County Board and contributory areas.

18. The County Board shall set off against any sums for the time being due to them from a contributory highway authority any sums for the time being payable to such contributory highway authority out of the county road fund, and so far as is practicable the balances only due on a periodical settlement of accounts

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between the County Board and the various contributory highway authorities within the jurisdiction of such Board shall be actually paid.

Prohibition of elective member voting in respect of roads not within his district.

19. An elective member of a County Board shall not be entitled to vote on any question under this Act relating to a main road when no part of such road is situate within the area for which he is a member.

Exemption of certain places from Act in so far as relates to main roads.

20. This Act, in so far as relates to main roads, shall not come into force until the *twenty-fifth day of March one thousand eight hundred and seventy-nine*, and shall not apply to the Isle of Wight, nor to any part of the metropolis, nor to any part of a county to which the Act passed in the session of the twenty-third and twenty-fourth years of the reign of Her present Majesty, chapter sixty-eight, intituled "An Act for the better management and control of the highways in South Wales," extends.

Power of County Board to enforce performance of duty by defaulting Highway Authority.

Proceedings on complaint to County Board of default of highway authority.

21. Where complaint is made to the County Board that the highway authority of any contributory highway area has made default in maintaining or repairing all or any of the highways within their jurisdiction, the County Board, if satisfied after due inquiry and report by their surveyor that the authority has been guilty of the alleged default, shall make an order limiting a time for the performance of the duty of the highway authority in the matter of such complaint.

If such duty is not performed by the time limited in the order, and the highway authority fail to show to the County Board sufficient cause why the order has not been complied with, the County Board may appoint some person to perform such duty, and shall by order direct that the expenses of performing the same, together with the reasonable remuneration of the person appointed for superintending such performance, shall be paid by the authority in default, and any order made for payment of such expenses and costs may be removed into the High Court of Justice, and be enforced in the same manner as if the same were an order of such court.

Any person appointed under this section to perform the duty of a defaulting highway authority shall in the performance and for the purpose of such duty be invested with all the powers of such authority other than the powers of making rates or levying contributions by precept, and the County Board may from time to time by order change any person so appointed.

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Where an order has been made by a County Board for the repair of a highway on a highway authority alleged to be in default, if such authority within three days after service on them of the order of the County Board give notice to the clerk of the peace that they decline to comply with the requisitions of such order until their liability to repair the highway in respect to which they are alleged to have made default has been determined by a jury, it shall be the duty of the County Board either to satisfy the defaulting authority by cancelling or modifying in such manner as the authority may desire the order of the Board or else to submit to a jury the question of the liability of the defaulting authority to repair the highway.

If the County Board decide to submit the question to a jury they shall direct a bill of indictment to be preferred to the next practicable assizes to be holden in and for their county, with a view to try the liability of the defaulting authority to repair the highway. Until the trial of the indictment is concluded the order of the County Board shall be suspended. On the conclusion of the trial, if the jury find the defendants guilty, the order of the County Board shall forthwith be deemed to come into force; but if the jury acquit the defendants the order of the County Board shall forthwith become void.

The costs of the indictment and of the proceedings consequent thereon shall be paid by such parties to the proceedings as the Court before whom the case is tried may direct. Any costs directed to be paid by the County Board shall be deemed to be expenses properly incurred by such Board, and shall be paid accordingly out of the county road fund; and any costs directed to be paid by the highway authority shall be deemed to be expenses properly incurred by such authority in maintenance of the roads within their jurisdiction, and shall be paid out of any funds applicable to the maintenance of such roads.

Powers of County Board for Prevention of Pollution and for Conservancy of Rivers.

County Boards may enforce statutory provisions in relation to pollution of rivers. 39 & 40 Vict. c. 75.

22. Every County Board shall have power to enforce the provisions of the Rivers Pollution Prevention Act, 1876 (subject to the restrictions in that Act contained), in relation to any stream being within or passing through or by any part of their county, and for that purpose they shall be deemed to be a sanitary authority within the meaning of that Act, and the county shall be deemed to be their district.

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Any expenses incurred by a County Board in the execution of the provisions of the said Act shall be defrayed out of the county rate.

County Boards may become conservancy authority for rivers.

23. If the County Board of any county are desirous of undertaking the conservancy of any river or part of any river which is within or passes through or by their county, they may make an application to the Local Government Board, accompanied by such particulars, maps, and plans as may be thought expedient, for a provisional order empowering them to undertake such conservancy.

The Local Government Board, if satisfied, after such inquiry as they may see fit, that there is reasonable ground for the application, shall prepare a scheme for giving effect thereto.

The scheme may include powers for removing obstructions, improving outfalls, dredging, scouring, and cleansing the bed of any river, or part of any river affected thereby, and improving the flow of water therein, also powers for constructing embankments and otherwise dealing with river banks, and of compulsorily acquiring land so far (but so far only) as may be necessary for the purposes of the scheme.

The scheme shall describe the area upon which the necessary expenses for giving effect thereto shall be charged, and shall specify the rate or proportions in which the same shall be borne, and the manner in which they shall be assessed, raised, and levied.

Printed copies of the scheme shall be deposited in some public place or places in the county for inspection by all parties interested therein, and a copy of the scheme shall be furnished by the clerk of the peace to any person applying for the same on payment of such sum, not exceeding *one shilling*, as may be fixed by the County Board. Public notice shall also be given by advertisement in some local newspaper circulating in the county of the purport of the scheme, and of the time within which written notice of any objection thereto is to be sent to the Local Government Board.

In the event of any objection being so sent, the Local Government Board shall direct a local inquiry to be held; the inspector appointed to hold the same shall give public notice by advertisement or otherwise of a time and place at which he will be prepared to hear all persons desirous of being heard before him on the subject of the inquiry; he shall report the result of the inquiry to the Local Government Board; and the Board may thereupon, if they see fit, embody the scheme, either with or without modification, in a provisional order, and may take all necessary steps for having the same confirmed by Parliament.

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The scheme may provide for the repeal, alteration, or amendment of any local Act interfering with the system of management contemplated by the scheme, with the consent of the majority of the commissioners or other body of persons entrusted with the execution of such local Act.

Where the County Boards of two or more adjoining counties make application under this section, the scheme may provide for the constitution of a joint committee consisting of representatives from each of such County Boards, and such joint committee shall be the conservancy authority for the area included in the scheme.

A county of a city or a county of a town, or a borough having a separate court of quarter sessions, may be included in a scheme, and in such case the scheme shall provide for the payment of such contribution as therein mentioned by such county of a city, or town, or borough, to the funds to be raised in pursuance thereof, and for the representation on the County Board or a committee of the County Board for the purposes of this section of such county of a city or town, or such borough as aforesaid.

Power of County Board in relation to Asylums and Schools for Imbecile Poor and Pauper Children.

Power of County Board to frame schemes for asylums and schools for imbecile poor and pauper children.

24. Where it appears to the County Board of any county expedient that a separate asylum or asylums should be provided for any class or classes of the imbecile or insane poor who may lawfully be detained in a workhouse, or that a separate school or schools should be provided for the instruction and training of idiotic young persons being paupers, or of any class or classes of pauper children, and that one or more of the workhouses or parts of workhouses in the county can properly be set apart and appropriated for any of such purposes, or where it appears to the County Board expedient that accommodation should otherwise be provided for all or any of such classes, the County Board may prepare a scheme for constituting the whole county a district, or for the combination of any unions wholly or partly within the county into a district or districts for all or any of the purposes aforesaid. Any such scheme may be submitted to the Local Government Board, and such Board may, if they see fit, after due inquiry, make an order directing such constitution or combination accordingly.

An order under this section may be made either absolutely or with such conditions and modifications of the scheme as the Local Government Board may think fit, and shall provide for the adjustment of the rights and liabilities of the unions and parishes affected

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thereby, and for the payment of any compensation to which any union or parish may be entitled in respect of any workhouse appropriated in conformity with such order. The said Board may also apply, with such modifications as may be necessary, all or any of the provisions of the Poor Law Amendment Act, 1844, and the Acts amending the same, to any such district, and to the purpose for which it is formed, so far as such provisions are applicable thereto, and may award compensation as in the case of a dissolved union under the Poor Law Amendment Act, 1867, to any person who, by reason of such order of the Board, shall be deprived wholly or in part of any office or employment, or any salary or emolument previously enjoyed by him.

Where the whole county is constituted a district, the County Board shall be the managers of the asylum or school, as the case may be, and the cost of providing and maintaining the asylum or school shall be borne by the county rate, but the cost of maintaining the inmates thereof, including the salaries of officers and servants, shall be charged to and defrayed by the guardians of the several unions from which such inmates are respectively sent, at a rate per head to be from time to time fixed by the County Board.

The County Boards of two or more counties may combine in framing a scheme under this section.

A union to which the Metropolitan Poor Act, 1867, applies, shall not be included in a scheme framed under this section.

The term "school" in this section includes a training ship.

Adjustment of Areas.

Adjustment of areas.

25. The County Board may, with a view of preventing the inconvenience arising from the overlapping of unions, sanitary districts and parishes in counties or other administrative areas, prepare schemes for all or any of the following purposes:—

(1.) For the re-adjustment of any unions, whether by dissolution and reconstruction or otherwise, in pursuance of the Acts relating to the relief of the poor;

(2.) For the alteration of areas of sanitary districts and unions or for combinations of districts in pursuance of Part VIII. of the Public Health Act, 1875, and the provisions of the said Act relating thereto;

(3.) For the exercise of any powers relating to the division of or otherwise dealing with parishes in pursuance of the Divided Parishes and Poor Law Amendment Act, 1876, or any other Act relating thereto;

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and on the presentation of such schemes to the Local Government Board, that Board shall, if satisfied with the schemes as originally presented or as modified by the Board, take steps for giving effect thereto, and for that purpose shall exercise any powers vested in them for dissolving, altering, adjusting, or reconstructing unions, districts, combinations, parishes, or other local areas, or otherwise. A.D. 1878.

Where a parish is situate in more than one county or sanitary district, or is divided by a navigable river or by tidal waters, such parish may, for the purposes of this section, be deemed to be a divided parish, and the parts thereof in each county or sanitary district isolated parts of such parish within the meaning of section one of the Divided Parishes and Poor Law Amendment Act, 1876, and may be dealt with accordingly, and separate parishes may be formed under that Act of the isolated or detached parts of a parish or parishes.

Where any parish, union, or sanitary district capable of being dealt with under this section is situate in more counties than one, the consent of the County Board of the county in which any part of such parish is situate shall be required in any dealing with such parish, union, or sanitary district in pursuance of this section.

Power of County Board to appoint Coroner.

26. Whenever after the expiration of the year *one thousand eight hundred and seventy-eight* a vacancy occurs in the office of a coroner who was elected to that office by a writ de coronatore eligendo, that writ shall not issue for the election of another person as coroner to fill such vacancy, but a writ shall be directed to the County Board of the county for which or within the limits of which such vacating coroner acted, requiring such County Board to proceed as soon as practicable to the appointment of a duly qualified person as coroner to fill such vacancy. Appointment of coroner by County Board.

A writ for the purposes of this section shall be issued by the Lord Chancellor on the petition of two or more members of the County Board of the county for or for a district of which the coroner is to be appointed, and shall be in such form as the Lord Chancellor may from time to time determine.

On the receipt of such writ the County Board in general meeting shall proceed to appoint a duly qualified person as coroner, and shall, within such time as may be directed by the writ, make a return to the writ, naming the person appointed coroner by them,

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and if the County Board fail to comply with the requisitions of such writ, it shall be lawful for the Lord Chancellor to appoint a coroner instead of the County Board.

When the jurisdiction of any coroner to be appointed by a County Board under this section extends into more counties than one, the writ for the appointment of such coroner shall be directed to the County Board of the county which, as compared with the other counties, contains the greatest part in extent of the area of the jurisdiction of the coroner.

A coroner appointed under this Act shall stand in the same position and have the same powers and privileges and be subject to the same liabilities, capacities, and incapacities as he would have had and been subject to if this Act had not passed, and he had been elected instead of being appointed.

Power of County Board to borrow.

Power of County Boards to borrow.

27. For the purposes of this Act the County Board of any county may, with the sanction of the Local Government Board, from time to time borrow as one loan or as several loans, in manner provided by the Local Loans Act, 1875, such moneys as they may require, subject to the following provisions:

(1.) Where the money is borrowed for purposes to which the county rate is applicable, the loan shall be borrowed on the security of the county rate:

(2.) Where the money is borrowed for purposes to which a special rate is applicable, the loan shall be borrowed on the security of the special rate:

(3.) Where the loan is borrowed for the purposes of the main roads brought within their jurisdiction by this Act, the loan shall be borrowed on the security of the county road fund.

The whole of the moneys borrowed by the County Board under this Act, whether as one loan or as several loans, shall be discharged within a period not exceeding the period prescribed by the Local Government Board.

Where any sanitary authority or other local authority within the jurisdiction of a County Board is authorised to borrow money for any local purpose, the County Board may lend such money to such local authority either out of any general balance in their hands, or may borrow money in pursuance of this Act for the purpose of lending such money to the local authority; and such loan may be made at such rate of interest, not less than or

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exceeding , as may be arranged between the County Board and the local authority to whom the money is lent. A.D. 1878.

Provisional Orders.

28. It shall be lawful for the Local Government Board to submit any provisional order made by them under this Act to Parliament for confirmation, and without such confirmation a provisional order shall not be of any validity. Confirmation and expenses of provisional order.

A provisional order under this Act may contain such subsidiary provisions as to the transfer of debts and liabilities and otherwise as may be necessary for the purpose of carrying such order into effect.

For the purposes of any inquiry under this Act, the Local Government Board and the inspectors of the Local Government Board shall have the same powers as they respectively have under the Public Health Act, 187b.

The Local Government Board may, if they think fit, make such order as they think just in favour of any person whose lands are proposed to be taken compulsorily in pursuance of any provisional order under this Act for the allowance of the reasonable costs, charges, and expenses properly incurred by him in opposing the taking of such lands.

The costs, charges, and expenses allowed by such order (if any) as last aforesaid, and all costs, charges, and expenses incurred by the Local Government Board in relation to any provisional order under this Act shall, to such amount as the Local Government Board think proper to direct, be deemed to be an expense incurred by the County Board or other promoters of a provisional order in the proper execution of their duties, and shall be paid to such person and to the Local Government Board respectively in such manner and at such times, and either in one sum or by instalments, as the Local Government Board may order, with power for the Local Government Board to direct interest to be paid at such rate, not exceeding *five pounds* in the hundred by the year, as the Local Government Board may determine upon any sum for the time being due in respect of such costs, charges, and expenses as aforesaid.

Any order respecting costs, charges, and expenses made by the Local Government Board in pursuance of this section may be made a rule of the High Court of Justice and be enforced accordingly.

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PART III.

Supplemental Provisions.

Special provision as to County Board in scheduled counties.

29. Without prejudice to the provisions of this Act relating to boroughs entitled to return members to a County Board, there shall be chosen and elected in each petty sessional division in the counties named in the first and second parts of the Second Schedule hereto the number of members in that behalf in the said first and second parts of the schedule mentioned; and of such members one half, in the case of each petty sessional division, shall be justices of the county of the County Board of which they are chosen to be members and the other half shall be elective guardians or persons qualified to be elective guardians of rural parishes in the petty sessional division or some of such parishes.

There shall be chosen and elected in the county named in the third part of the Second Schedule hereto the number of members in that behalf in the said schedule mentioned; and of such members one half shall be justices of the county, and the other half shall be elective guardians or persons qualified to be elective guardians of rural parishes in such county or some of such parishes.

Register of elective guardians of petty sessional divisions.

30. The clerk to the justices in every petty sessional division of a county shall enter in a register the names of the guardians in his division qualified to vote for elective members of the County Board.

For the purpose of enabling the clerk to the justices to keep such register, the clerk to the guardians of every union comprising any rural parish, shall, at some time during the last fifteen days of the month of *October* in every year, transmit by post in a prepaid letter or otherwise, to the clerk of the justices of the petty sessional division in which any such parish is situate a correct list of the elective guardians of such parish, with their names and addresses.

The list shall, for the purposes of the next election of members of County Boards, be deemed to be conclusive evidence of the persons therein named being elective guardians of the parishes with respect to which they are stated to be such guardians.

If the clerk to the guardians of any union fails to comply with this enactment as to transmitting a list of the guardians, or knowingly sends an inaccurate list, he shall be liable to a fine not exceeding five pounds, to be recovered, on summary conviction, before two justices.

Mutual relations of

31. Subject to the provisions of this Act, the administrative business and judicial business of a county shall respectively be transacted

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in manner heretofore in use, with the substitution of the County Board for the justices in quarter sessions assembled, so far as relates to the administrative business transferred to that Board; and such Board shall, in relation to the business so transferred, have the same powers, and be subject to the same rights, duties, liabilities, capacities, and incapacities, as the justices in quarter sessions assembled would, if this Act had not passed, have had or been subject to in transacting such business; and the clerk of the peace, the county treasurer, and other county officers shall, in the performance of their duties, for the time being obey the orders of the justices in quarter sessions assembled and of the County Board respectively, according as such duties are or are not concerned in the business by this Act authorised or required to be transacted by the said justices and County Board respectively.

Justices and County Board.

In the event of any additional duties being imposed on the county officers by or in pursuance of this Act, the County Board may pay them additional remuneration out of any funds at their disposal.

In the event of the existing staff of county officers being insufficient for the performance of the duties imposed on them, the County Board may from time to time appoint assistant officers, assign them their duties, and award them their salaries.

All expenses incurred by the County Board which are not specially provided for by this Act, or made otherwise payable by this Act or by some other Act of Parliament, law, or custom, shall be defrayed out of the county rate.

32. The County Board may, by resolution in general meeting, make any appointment of officers and give any order or authority which they are authorised or required to make or give. They may also do any act or thing which they are authorised or required to do by means of any person or persons authorised by any such resolution to do such act or thing, and any resolution of the Board in general meeting shall, in respect of all matters in respect of which the justices in quarter sessions assembled might, if this Act had not passed, have made any order or given any authority, be deemed in each case to be equivalent to an order made or authority given by such justices.

Mode of action of County Board.

33. Every County Board shall, so far as is possible, classify the business coming within their cognizance, and they may from time to time form a committee or committees, consisting of such number of their own members as they think fit, and may fill up any vacancy in any such committee arising from death, resignation, or any other cause, and may delegate to any such

Committees of County Board.

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committee any powers, other than the power of borrowing money, conferred on them by this Act. The members of any committee may from time to time be increased or diminished by the board, with the qualification that a committee shall not in any case consist of less than five members.

The Board shall in the case of each committee determine the quorum required to be present at the meetings of such committee.

Scheduled regulations as to general meetings of County Board.

34. The regulations contained in the Third Schedule to this Act as to general meetings of County Boards, and to proceedings of committees of County Boards, shall be of the same force as if they were enacted in the body of this Act, and shall be deemed to be part of this Act.

Member of County Board with more than one title.

35. A person who is chosen by the justices as a member of a County Board, and is also elected by the guardians as a member of the same County Board, also any person who is elected for more petty sessional divisions than one in the same county, may, at any time before the *first day of January* next succeeding the date of his being so chosen or elected, by a prepaid letter addressed and sent to the clerk of the peace, declare his choice as to the title under which he will sit; and upon his making such choice a casual vacancy shall be deemed to have occurred as respects any choice or election which he declines to accept as his title to the seat.

Resignation of member and vacancies.

36. Any member of a County Board may resign by notifying in writing his intention so to do to the clerk of the peace for the time being.

A casual vacancy in the office of any member of a County Board shall be filled up by the Board; but any person appointed to fill a casual vacancy shall be qualified as the person in whose stead he is appointed was required to be qualified, and shall hold office so long only as the vacating member would have held office if no casual vacancy had occurred.

A member dying between the time of his being chosen, elected, or appointed a member and the time of his entering his office, also a member ceasing to hold any such qualification as would enable him to be elected a member, shall be deemed to create a casual vacancy.

Saving clauses as to County Board.

37. Any act or proceeding of the County Board or of a committee of the Board shall not be questioned on account of any vacancy or vacancies in their body:

A defect in the qualification or election of any person or persons acting as members or member of the County Board, or of a committee of the Board, shall not be deemed to vitiate any pro-

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ceedings of the Board or committee in which he or they have taken part in cases where the majority of members parties to such proceedings are duly entitled to act. A.D. 1878.

A member of a County Board, or of a committee of a County Board, shall not by reason of his exercising any of the powers given to the Board or committee, be subject individually to any action, trial, prosecution, or other legal proceeding; and the Board or committee may apply any moneys from time to time coming into their hands for the purpose of paying any costs of legal proceedings or damages they may incur in execution of the powers granted to them.

Evidence of proceedings of County Board.

38. A record shall be kept of all resolutions passed, and other proceedings of the Board had in general meeting, and such record shall be signed either at the meeting of the Board at which such proceedings took place or at the next ensuing meeting of the Board by the chairman for the time being.

Any record of such proceedings of the Board purporting to be signed as aforesaid, also any extract from such record of any resolution or proceeding of the Board certified by the proper officer to be a true extract, shall be receivable in evidence of such resolulution or proceeding in all legal proceedings without further proof; and until the contrary is proved every general meeting of the Board shall be deemed to have been duly convened and held, and all the members thereof to have been duly qualified, and all proceedings thereat to have been duly recorded.

Any notice issued by or on behalf of the County Board shall be deemed to be duly authenticated if purporting to be signed by the proper officer, and any notice given to the County Board shall be deemed to be duly served if served on the proper officer.

The proper officer shall be the clerk of the peace, or any officer for the time being authorised by resolution of the Board to certify or sign such documents as aforesaid, and it shall not be necessary in any legal proceeding to prove the position or authority of the officer certifying or signing, and such position or authority and the sufficiency of such notice shall be presumed until the contrary is proved.

Computation of time.

39. Where by this Act any limited time from or after any date or event is appointed or allowed for the doing of any act or the taking of any proceeding, then in the computation of such limited time the same shall be taken as exclusive of the day of such date or of the happening of such event, and as commencing at the beginning of the next following day; and the act or proceeding shall be done or taken at the latest on the last day of

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such limited time according to such computation, unless such last day is a special day, in which case any act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards, not being a special day.

Where by this Act any act or proceeding is directed to be done or taken on a certain day, then if that day happens to be a special day, such act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards, not being a special day.

Where by this Act any act or thing is directed to be done between any two days, then in the computation of any intermediate space of time each of the two days mentioned shall be excluded, and no allowance shall be made by reason of the first or last days of the intermediate space or any other days of such space being special days.

"A special day" for the purposes of this Act means a Sunday, Good Friday, or Christmas Day, or other day appointed for a public fast, humiliation, or thanksgiving, or Bank holiday.

Alteration of petty sessional divisions.

40. Where any alteration is made by the justices in quarter sessions assembled of the petty sessional divisions of their county in pursuance of the statutes in that behalf provided, any new petty sessional division shall not be an electoral division under this Act, but the former petty sessional divisions shall continue to be electoral divisions, except in cases where the Local Government Board on the application of the County Board by order declare that a new petty sessional division is to be adopted as an electoral division under this Act; and upon such order being made, but not otherwise, such new petty sessional division shall be substituted as an electoral division for the former petty sessional division.

Boroughs after the passing of Act.

41. Where after the passing of this Act a separate court of quarter sessions is granted to any borough, such borough shall, on and after the date of such grant, be excluded from the operation of this Act to the same extent, as nearly as circumstances admit, as it would have been excluded if it had a separate court of quarter sessions at the date of the passing of this Act, except as to pending transactions, claims, rights, and liabilities, which, in case of dispute, shall be adjusted by the Local Government Board. Where after the passing of this Act a separate commission of the peace is granted to any borough, but not a separate court of quarter sessions, then such borough shall, as nearly as circumstances admit, be subject to this Act in the same manner as if it were a borough which at the date of the passing of this Act had a separate commission of the peace, but not a separate court of quarter sessions.

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All other liberties of counties shall be deemed to be merged in and form part of the county by which they are surrounded or if partly surrounded by two or more such counties, then as forming part of the county with which they have the longest common boundary. A.D. 1878.

In the case of the county of Sussex, the administrative business which would, if this Act had not passed, have been transacted by the justices of the whole county shall be transacted by a joint committee of the County Boards of both divisions of the county, such committee to be formed of such number of members and to be chosen in such manner and at such time as may be arranged between the County Boards of the said county, or if they differ, in such manner as may be directed by the Local Government Board.

A joint committee formed as aforesaid shall, in respect of the business to be transacted by them, stand in the same position as if the county were not divided for the purposes of County Boards, and as if such committee were the County Board of the whole county.

Where a county, as defined for the purposes of this Act, is a liberty of a county at large, the County Board of such liberty shall not exercise any such administrative powers as would, if this Act had not passed, have been exercised within the liberty by the justices in quarter sessions assembled of the county at large, in pursuance of any Act of Parliament, and such powers, if otherwise exerciseable by a County Board in pursuance of this Act, shall vest and be exercised in and by the County Board of the county at large and not in and by the County Board of the liberty.

Where a county as defined by this Act has more than one county treasurer, the provisions of this Act as to a county treasurer shall apply to each of such county treasurers in relation to the portion of the county of which he is treasurer.

The expression "quarter sessions" includes general sessions, annual general sessions, and adjourned sessions.

Every description of business capable of being transacted by a County Board may be transacted by such Board at any meeting duly held, whether such meeting is or is not held at the time appointed for holding a general session, an annual general session, a quarter session, an adjourned session, or otherwise; and in the construction of any Act of Parliament or other document relating to business to be transacted by the County Board, a meeting of the County Board shall be deemed equivalent to a sitting of the justices in sessions.

The expression "petty sessional division" means any division of a county for the holding a special sessions formed or to be formed "Petty sessional division."

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under the provisions of the Act of the ninth year of the reign of His late Majesty King George the Fourth, chapter forty-three, or any Act amending the same, also any division of a county in and for which petty sessions or special sessions are usually held, whether in one or more place or places, in accordance with any custom, or otherwise.

For the purposes of this Act, in so far as relates to the choice of justices and the election of elective members to the County Board, the polling districts into which the county of Rutland is divided in pursuance of the Ballot Act, 1872, shall, for the purposes aforesaid, be deemed to be petty sessional divisions of the county of Rutland.

Construction of Act as to business of justices and County Board.

47. The expression "judicial business" means the trials of offences the hearing of appeals, the taking and estreating recognizances, and all matters incidental thereto, also the hearing of any application made by or on behalf of any person or body of persons in relation to the granting of a license, or in relation to the giving or withholding any right or privilege, or in relation to any other matter as to which such person or body of persons is authorised by law to make an application; also the confirmation of rules or byelaws, the settlement of tables of fees, and of costs in relation to judical business; also the appointment of licensing committees or members of licensing committees for the purposes of the Acts relating to the sale of intoxicating liquors, and all other powers of control vested in justices in quarter sessions assembled by Act of Parliament in relation to the sale of intoxicating liquors; also the division of the county into districts for coroners, the formation or alteration of petty sessional divisions, and the union of liberties with counties; also the carrying into effect any power or duty of a judicial nature conferred or imposed on justices in quarter sessions assembled.

The expression "any business relating to prisons or police" means the appointment of visiting committees of prisons in pursuance of the Prison Act, 1877, and all powers relating to the establishment, maintenance, government, payment, and superannuation of the police, the providing lock-up houses, and all other powers relating to the police, including the power of making police rates, and obtaining moneys for defraying all expenses incurred in relation to the police.

The expression "administrative business" means the business of the descriptions herein-after mentioned; that is to say, the making assessing and levying rates, and the application and expenditure thereof (save as in this section specially provided for);

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the borrowing and raising of money; the auditing, settling, and allowing accounts; also the exercise of any powers conferred by this Act, or hitherto exercised by the justices in quarter sessions assembled in relation to the appointing and removing and fixing the salaries of county officers, and of inspectors and examiners of weights and measures, of public analysts, and other public officers; also the providing, repairing, altering, and otherwise dealing with pauper lunatic asylums, court-houses, shire halls, judges lodgings, militia storehouses, buildings, bridges, and other works, wherewith county rates or other public moneys are by law chargeable; also the management of county property; also the exercise of the powers hitherto vested in the justices in quarter sessions assembled in relation to carrying into effect the Contagious Diseases (Animals) Acts, and the Acts relating to fish conservancy, fisheries, and wild fowl; the formation and alteration of highway districts, also any other business, (whether of the same description as that above enumerated or not), transacted, or which might, if this Act had not passed, have been transacted, by the justices in quarter sessions assembled, and which is not judicial business.

If any question arises as to whether any business is or is not within the jurisdiction of the County Board, or the justices in quarter sessions assembled, such question shall be determined by one of Her Majesty's Principal Secretaries of State, whose decision shall be final.

General Definitions.

48. In this Act the following expressions have, unless inconsistent with the context, the meanings hereby respectively assigned to them; that is to say, Definitions.

The expression "borough" means any place for the time being subject to the Act of the session of the fifth and sixth years of the reign of King William the Fourth, chapter seventy-six, intituled "An Act to provide for the regulation of municipal "corporations in England and Wales," and the Acts amending the same. "Borough."

The expression "the metropolis" means the parishes and places mentioned in the Schedules A, B, and C annexed to the Metropolis Management Act, 1855, and any parish to which such Act may be extended by Order in Council in manner in the said Act provided. "Metropolis."

The expression "liberty of a county" does not include any borough. "Liberty of a county."

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"Justices of a county." The expression "justices of a county" means the justices assigned to keep the peace in such county.

"Parish." The expression "parish" means a place for which a separate poor rate is or can be made, or for which a separate overseer is or can be appointed.

"Rural parish." The expression "rural parish" means a parish as defined by this Act, of which no part is included either in a borough which has a separate court of quarter sessions, or in a borough which has a separate commission of the peace, but not a separate court of quarter sessions, and has a population, according to the census for the time being in force, of ten thousand persons or upwards.

"Union." The expression "union" means a union of parishes incorporated or united for the relief or maintenance of the poor under any Public or Local Act of Parliament, and includes any parish under a separate board of guardians.

"Highway district." The expression "highway district" means any district constituted in pursuance of the Highway Act, 1862, and the Highway Act, 1864, or one of such Acts.

"Highway parish." The expression "highway parish" means any place separately maintaining its own highways.

"Highway authority." The expression "highway authority" means as respects a highway district the highway board; and as respects a highway parish the surveyor or surveyors, or other officers performing similar duties.

"Local rate." The expression "local rate" means as respects any contributory highway area the rate for the time being applicable to the payment of the expenses of repairing the highways in such area, exclusive of the county road fund.

"Elective guardian." The expression "elective guardian" means a person elected for any parish to serve as a guardian of the poor.

"Person." The expression "person" includes a body of persons corporate or unincorporate.

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SCHEDULES.

SCHEDULE I.

Mode of returning Members to County Board.

Section 8. Choice of representative justices by quarter sessions.

In every county the justices of the county in quarter sessions assembled shall, in the month of *October* in the year *one thousand eight hundred and seventy-eight*, and in the same month in every succeeding year, by resolution of a majority of the justices voting, choose the number of justices required to be chosen by them as members of the County Board of their county during the next year.

If the number of the justices voting in respect of the choice of a member of a County Board is equal, the chairman for the time being shall have a second or casting vote.

The members of a County Board chosen in any year by the justices in quarter sessions assembled shall enter on their office on the first day of January in the next year.

Election of elective members by guardians.

In every petty sessional division of a county the first election of elective members of County Boards by guardians under this Act shall be held on such day between the *fifteenth day of November* and the *first day of December in the year one thousand eight hundred and seventy-eight* as may have been previously appointed by the returning officer, or, as may in default of such appointment having been made before the *first day of November*, be determined by the Local Government Board on the application of any person interested. Subsequent elections shall be holden in every succeeding year on such day between the *fifteenth day of November* and the *first day of December* as may have been previously appointed by the County Board, or, as may in default of such appointment before the *first day of November* be appointed by the Local Government Board on the application of any person interested.

The members of a County Board elected by the guardians in any year shall enter on their office on the *first day of January* in the next year.

Returning officer.

In every petty sessional division the clerk to the justices of that division (or, where there are more clerks than one, such one of those

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clerks as the said justices may from time to time direct) shall be the returning officer.

Power of returning officers to appoint deputies.

In every petty sessional division the clerk to the justices of that division may, if incapacitated by illness, or for other sufficient reason, appoint a substitute as returning officer; and may in the case of the county of Rutland, and in any other case with the consent of the justices of the division, appoint a deputy or deputies.

Expenses of returning officer.

The expenses actually incurred by the returning officer in the performance of his duties under this Act, and allowed by a certificate of the said justices, shall be paid out of the county rate.

Place of election.

The place of election shall be the petty sessional court of the division, or such other convenient place as may have been previously appointed by the returning officer, or after the first election by the County Board.

Meeting for election.

On every occasion of the election of members of a County Board by elective guardians, the returning officer shall convene a meeting of the elective guardians entitled to vote at such election at the place appointed for the purpose of such election, and shall give notice of such meeting, and of the time (not being later than eleven o'clock of the forenoon) and place at which it is to be held, and of the number of members to be elected by the elective guardians,—

(*a.*) By advertisement in some one or more of the local newspapers circulating in the county; and

(*b.*) By sending a copy of such notice by post in a prepaid letter addressed to the clerk of the guardians of every union comprising any rural parish in his division.

The returning officer shall preside and regulate the proceedings at such meeting, but he may be assisted in his duties by any person or persons whom he may appoint.

The meeting shall, so far as relates to the nomination of candidates, be deemed to be at an end at the expiration of two hours from the time appointed for the holding of such meeting.

Nomination and election of candidate

At any such meeting as aforesaid any person qualified under this Act may, if he consents thereto, be nominated by any elective guardian and seconded by any other elective guardian as a member of the County Board.

If at the expiration of the said two hours no more candidates stand nominated than there are vacancies to be filled up, the returning officer shall forthwith declare the candidate or candidates who may stand nominated to be elected.

If at the expiration of the said two hours more candidates stand nominated than there are places to be filled up, the returning officer

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shall ascertain, in such manner as he thinks most convenient, by show of hands, or by otherwise taking the votes of the elective guardians present at the meeting at the expiration of such two hours, the decision of the meeting as to the candidate or candidates to be elected, and the determination of the returning officer as to the number of votes given in the case of any candidate or candidates shall be final.

If from any cause whatever the number of candidates nominated is less than the number to be elected, the persons so nominated shall be deemed to be elected, and the remaining places shall be filled up by an equal number of the retiring members; and the retiring members to fill up such vacancies shall be settled by agreement, or in case of disagreement by lot.

When an equality of votes is found to exist between any candidates, the candidate or candidates to be elected shall be determined by lot.

Notification of results.

The returning officer shall publish, in such manner as he thinks best calculated to afford information, the name or names of the candidate or candidates elected, and shall on request give to each elected candidate a certificate under his hand to the effect that such candidate was duly elected.

A person may sit as member on the County Boards of more counties than one.

Appointment of members by council of borough.

The council of a borough authorised under this Act to appoint members of a County Board shall appoint such members at a meeting to be duly held by them between the fifteenth day of November and the first day of December in the year eighteen hundred and seventy-eight, and every succeeding year.

The members of a County Board appointed by the council in any year shall enter on their office on the first day of January in the next year.

SCHEDULE II.

PART I.

Section 30.

Names of counties in which six members are to be returned for each petty sessional division:

Bedford.
Cambridge.
Carnarvon.
Ely, Isle of.
Huntingdon.
Kesteven, parts of, in the county of Lincoln.
Merioneth.
Nottingham.
Radnor.
Westmoreland.

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PART II.

Names of counties in which eight members are to be returned for each petty sessional division:

Anglesea.
Holland, parts of, in the county of Lincoln.
Peterborough, county of the liberty of.

PART III.

Name of county in which fourteen members are to be returned for the whole county:

Ripon, county of the liberty of.

SCHEDULE III.

General Meetings of County Boards.

Section 34. (1.) The County Board of a county shall hold general meetings for the purpose of transacting the administrative business at the same time as the justices of that county would have met in general sessions or annual general sessions or quarter or adjourned sessions, for transacting the administrative business of their county, if this Act had not passed.

Provided that where in any county according to this rule a meeting of a County Board would not take place in the month of January one thousand eight hundred and seventy-nine, a meeting shall take place in that month on such day as may be determined by the justices of that county in sessions assembled at some sessions held previously to the month of January one thousand eight hundred and seventy-nine.

(2.) Subject as aforesaid, a County Board may hold general meetings for the dispatch of business at such times, and may from time to time make such regulations with respect to the summoning, notice, place, management, and adjournment of their meetings, and generally with respect to the transaction and management of business, as they think fit (including the quorum at meetings of the Board), subject to the following conditions:

(*a.*) Every disputed resolution shall be decided by a majority of votes of the members present and voting on that resolution; and

(*b.*) The names of the members present at a meeting, and, upon a requisition made by three or more members voting on a

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resolution, the names of the members voting on that resolution, shall be recorded; and

(*c.*) The quorum to be fixed by the Board shall consist of not less than five members.

(3.) The County Board shall, at the first meeting, and afterwards from time to time at their first meeting after each annual appointment of members of the Board, appoint one of their members to be chairman, and one other of their members to be a vice-chairman for the current year.

(4.) If any casual vacancy occur in the office of chairman or vice-chairman, the County Board shall, as soon as they conveniently can after the occurrence of such vacancy, choose some member of their number to fill such vacancy for the current year.

(5.) If at any meeting the chairman is not present at the time appointed for holding the meeting, or within fifteen minutes after such time, the vice-chairman shall be the chairman of the meeting; and if neither the chairman nor vice-chairman be present, then the members present shall choose some one of their number to be a chairman of such meeting.

(6.) In case of an equal division of votes at any meeting, the chairman for the time being of such meeting shall have a second or casting vote.

Proceedings of Committees of County Board.

(1.) Every committee of a County Board shall, in the exercise of their powers, conform to any regulations that may be imposed on them by the County Board of which they are a committee.

(2.) A committee may elect a chairman of their meetings. If no such chairman is elected, or if he is not present at the time appointed for holding the same, or within fifteen minutes after such time, the members present shall choose one of their number to be chairman of such meeting.

(3.) A committee may meet and adjourn as they think proper. In case of an equal division of votes at any meeting of a committee the chairman shall have a second or casting vote.

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County Government.

A

BILL

To amend the Law relating to the Administration of County Business, and to make further provision for County Government.

(*Prepared and brought in by Mr. Sclater-Booth, Mr. Secretary Cross, and Mr. Chancellor of the Exchequer.*)

Ordered, by The House of Commons, *to be Printed*, 28 *January* 1878.

[Bill 93.]

Under 5 *oz.*

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Coroners Bill.

ARRANGEMENT OF CLAUSES.

Preliminary.

Clause.
1. Short title.
2. Extent of Act.
3. Commencement of Act.

PART I.

Law of Coroners.

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5. Tales, swearing of jury.
6. Proceedings at inquest—evidence and inquisition.
7. Proceedings upon inquisition charging person with murder or manslaughter.
8. Number of inquests where several deaths arise from one accident.
9. Ordering of coroner to hold inquest.
10. Jurisdiction of coroner.
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12. Coroners to make yearly returns to Secretary of State.

Coroner.

13. Election of county coroner.
14. Election of borough coroner.
15. Appointment of deputy coroner in county or borough.
16. Provision for holding inquest during vacancy in coronership.
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B I L L

TO

Consolidate and amend the Law relating to Coroners. A.D. 1878.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

Short title.

1. This Act may be cited as the Coroners Act, 1878.

Extent of Act.

2. This Act shall not apply to Scotland or Ireland.

Commencement of Act.

3. This Act shall come into operation on the *first day of January one thousand eight hundred and seventy-nine*, which day is hereinafter referred to as the commencement of this Act.

PART I.

Law of Coroners.

Inquest.

Coroner within whose jurisdiction dead body is lying to summon jury. See 4 Edw. 1. 3 Hen. 7. c. 2. 6 Vict. c. 12. s. 1.

4. Where it appears to a coroner within whose jurisdiction the dead body of a person is lying, that such person has died or is reasonably suspected of having died either a violent or an unnatural death, or has died a sudden death of which the cause is unknown, or has died in prison, or in such place or under such circumstances as to require an inquest in pursuance of any Act, the coroner, whether the cause of death arose within his jurisdiction or not, shall, as soon as practicable, issue his warrant for summoning not less than twelve nor more than twenty-three persons qualified to serve as jurors to

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appear before him at a specified time and place, there to inquire as jurors touching the death of such person as aforesaid.

Tales, swearing of jury.

5. If at the time and place specified in the warrant to the jurors less than twelve of those summoned appear, the coroner shall forthwith summon so many other good and lawful men then present or in the neighbourhood as may be sufficient to form a jury.

When not less than twelve jurors are assembled they shall be sworn by or before the coroner diligently to inquire touching the death of the person on whose body the inquest is about to be held, and a true verdict to give according to the evidence.

Proceedings at inquest—evidence and inquisition.

See 4 Edw. 1. 7 Geo. 4. c. 64. s. 4.

See 11 & 12 Vict. c. 42. s. 17.

6. The coroner shall take the jury to view the body, and shall then in open court examine on oath touching the death all persons who tender their evidence respecting the facts and all persons having knowledge of the facts whom he thinks it expedient to examine.

It shall be the duty of the coroner to put into writing the statement on oath of those who know the facts and circumstances of the case, and any such deposition shall be signed by the witness and also by the coroner.

After viewing the body and hearing the evidence the jury shall give their verdict in open court, and certify it by an inquisition in writing, setting forth, so far as such particulars have been proved to them, who the deceased was, and how, when, and where the deceased came by his death, and if he came by his death by murder or manslaughter, the person or persons, if any, whom the jury find to have been guilty of such murder or manslaughter, or of being accessory or accessories before the fact to such murder.

37 & 38 Vict. c. 88. s. 16.

They shall also inquire of and find the particulars for the time being required by the Acts relating to the registration of deaths to be registered concerning the death.

In case twelve at least of the jury do not agree on a verdict, the coroner may adjourn the inquest to the next sessions of oyer and terminer or gaol delivery held for the county or place in which the inquest is held, and if after the jury have heard the charge of the judge or commissioner holding such sessions, twelve of them fail to agree on a verdict, the jury may be discharged by such judge or commissioner without giving a verdict.

Proceedings upon inquisition charging person with murder or

7. Where the inquisition of a coroner's jury charges a person with the offence of murder or of manslaughter, or of being accessory before the fact to a murder, (which latter offence is in this Act included in the expression "murder,") the coroner shall issue his warrant for arresting or detaining such person (if such warrant

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has not previously been issued) and shall bind by recognizance all such persons examined before him as know or declare anything material touching the said offence to appear at the next court of oyer and terminer or gaol delivery at which the trial is to be, then and there to prosecute or give evidence against the person so charged. A.D. 1878. manslaughter. See 3 Hen. 7. c. 2., 7 Geo. 4. c. 64. ss. 4, 6.

Where the offence is manslaughter, the coroner may, if he think fit, accept bail by recognizance with sufficient sureties for the appearance of the person charged at the next court of oyer and terminer or gaol delivery at which the trial is to be, and thereupon such person if in the custody of an officer of the coroner's court or under a warrant of commitment issued by such coroner shall be discharged therefrom. 22 Vict. c. 33. s. 1.

The coroner shall deliver the inquisition, depositions, and recognizances, with a certificate under his hand that the same have been taken before him, to the proper officer of the court in which the trial is to be, before or at the opening of the court.

8. Where it appears to a coroner that the death of two or more persons has been caused by the same wreck, explosion, or accident he shall not hold more than one inquest respecting those deaths unless he has reasonable ground to believe that an inquest respecting another of the deaths is required in order to ascertain the circumstances of the death, or to satisfy the interests of justice. Number of inquests where several deaths arise from one accident.

9. Where Her Majesty's High Court of Justice, upon application made by or under the authority of the Attorney General, are satisfied either— Ordering of coroner to hold inquest. See 23 & 24 Vict. c. 116. s. 5.

(1.) that a coroner refuses or neglects to hold an inquest on any death which ought to be held; or

(2.) where an inquest has been held by a coroner on any death that by reason of fraud, rejection of evidence, irregularity of proceedings, insufficiency of inquiry, or otherwise, it is necessary or desirable, for the purpose of having due inquiry into the circumstances of the death, or otherwise in the interests of justice, to hold another inquest on that death,

the court may order an inquest to be held touching the said death, and may, if they think it just, order the said coroner to pay such costs of and incidental to the application as to the court may seem just, and where an inquest has been already held may quash the inquisition on that inquest.

The court may order that such inquest shall be held either by the said coroner, or if the said coroner is a coroner for a county, by

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any other coroner for the county, or if he is a coroner for a borough and an inquest has been already held and the inquisition thereon is quashed, then by a coroner for the county in which such borough is situate, or for a county to which it adjoins, and the coroner ordered to hold the inquest shall for that purpose have the same powers and jurisdiction as, and be deemed to be, the said coroner.

Upon any such inquest it shall not be necessary, unless the court otherwise order, to view the body, but save as aforesaid the inquest shall be held in like manner in all respects as any other inquest under this Act.

Any power vested by this section in Her Majesty's High Court of Justice may, subject to any rules of court made in pursuance of the Supreme Court of Judicature Act, 1875, and the Acts amending the same, be exercised by any judge of that court.

38 & 39 Vict. c. 77.

Jurisdiction of coroner.

10. The court of the coroner shall continue to be a court of record, and a coroner shall continue, for all the purposes of his office, to have all the powers of a conservator of the peace.

A coroner for a county shall have jurisdiction throughout the county, except so far as is otherwise provided by this Act, saving nevertheless to every franchise coroner, such jurisdiction in any part of the county as he is entitled to by law.

5 & 6 Will. 4. c. 76. s. 62.

In a borough with a separate court of quarter sessions, no coroner, save as is otherwise provided by this Act, shall hold an inquest belonging to the office of coroner within the borough, except the coroner for the borough, or a coroner or deputy coroner for the jurisdiction of the Admiralty of England.

Local extent of jurisdiction of coroner.

See 15 Rich. II. c. 3.
6 Vict. c. 12. s. 1.

11. The coroner only within whose jurisdiction the body of a person upon whose death an inquest ought to be holden is lying shall hold the inquest, and where a body is found dead in the sea, or any creek, river, or navigable canal within the flowing of the sea where there is no deputy coroner for the jurisdiction of the Admiralty of England, the inquest shall be held only by the coroner having jurisdiction in the place where the body is first brought to land.

5 & 6 W. 4. c. 76. s. 64.

In a borough which has not a separate court of quarter sessions no coroner save as is otherwise provided by this Act shall hold an inquest under this Act except a coroner for the county or a deputy coroner for the jurisdiction of the Admiralty of England.

Coroners to make yearly returns to

12. Every coroner shall on or before the first day of February in every year make and transmit to a Secretary of State a return in writing, in such form and containing such particulars as the Secretary

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of State from time to time directs, of all cases in which an inquest has been held by him, or by some person in lieu of him, during the year ending on the thirty-first day of December immediately preceding. A.D. 1878. Secretary of State. See 5 & 6 W. 4. c. 76. s. 63.

Coroner.

13. A coroner for a county shall continue to be elected, until Parliament otherwise directs, by the freeholders of that county. Election of county coroner. See 28 Edw. 3. c. 6. 7 & 8 Vict. c. 92. ss. 9, 10.

A writ de coronatore eligendo for the election of a coroner for a county shall be issued as heretofore directed to the sheriff of the county, and shall be in such form as the Lord Chancellor from time to time determines.

The sheriff shall, within the time directed by the writ, hold an election of a coroner in pursuance thereof and make a return to the writ, naming the person elected coroner. 23 & 24 Vict. c. 116. s. 1.

14. In every borough having a separate court of quarter sessions, a qualified person shall from time to time be elected to be coroner for that borough. Election of borough coroner. See 5 & 6 W. 4. c. 76. s. 62.

A writ de coronatore eligendo for the election of a coroner for a borough having a separate court of quarter sessions, shall, from time to time, be directed to the local authority as defined by this Act of that borough, and shall be in such form as the Lord Chancellor from time to time determines, and shall be issued in like manner as the like writ in the case of a county.

The local authority shall within the time directed by the writ, elect a coroner in pursuance thereof, and make a return to the writ naming the person elected coroner by them.

15. A coroner for a county or a borough shall from time to time appoint by writing under his hand a person qualified to be coroner (and approved by the local authority of the county or borough) to be his deputy, and may at any time revoke such appointment, but such revocation shall not take effect until the appointment of another deputy in the place of the one whose appointment is so revoked has been approved by the local authority. Appointment of deputy coroner in county or borough. See 6 & 7 W. 4. c. 105. s. 6. 6 & 7 Vict. c. 83. s. 1.

A deputy may act for a coroner during the illness of such coroner or during his absence from any lawful or reasonable cause, or on any inquest which he is disqualified, under this Act, for holding, or during such other time or at such other inquest as the Lord Chancellor allows.

A duplicate of every appointment of a deputy when approved shall be filed by the clerk of the local authority amongst the records of the county or borough.

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For the purpose of an inquest or other act which a deputy coroner is authorised to hold or do the deputy coroner shall be deemed to be the coroner whose deputy he is, and have the same jurisdiction, and powers as that coroner, and be subject to the same obligations, liabilities, and disqualifications, and generally to the provisions of this Act and to the law relating to coroners, in like manner as that coroner.

Provision for holding inquest during vacancy in coronership.

16. Where by reason either of the office of a coroner for a county or borough being vacant by death resignation removal or otherwise, or of the incapacity or disqualification of a coroner, or of any cause, there is no coroner capable of holding inquests in such county or borough, or of holding a particular inquest, the sheriff in the case of a county, and the mayor in the case of a borough, shall appoint some person qualified to be appointed coroner to be interim coroner, and such interim coroner shall, for all purposes until there is a coroner capable of holding inquests or if he is appointed for a particular inquest for all purposes in relation to that inquest, be deemed to be coroner for the county or borough, and have the same jurisdiction and powers as that coroner, and be subject to the same obligations, liabilities, and disqualifications, and generally to the provisions of this Act and to the law relating to coroners in like manner as that coroner.

There shall be paid to such interim coroner, out of the local rate, if he is appointed to hold a particular inquest, such reasonable sum as the local authority of the county or borough direct to be paid, and in any other case the same salary as if he were coroner for the county or borough.

Proceedings for election of county coroner. See 7 & 8 Vict. c. 92. ss. 10–16. 23 & 24 Vict. c. 116. s. 1. 7 & 8 Vict. c. 92. s. 11.

17. The sheriff, in accordance with the rules contained in the First Schedule to this Act, shall hold a court for the election of a coroner for a county, and in case of a poll being demanded, adjourn the court and take a poll, and for that purpose may appoint such officers and erect such booths as are authorised by the said rules, and the said rules shall be duly observed.

Any such poll shall be taken at the place at which the court for the election is held, and at such other places as are for the time being appointed by the local authority of the county.

7 & 8 Vict. c. 92. s. 16.

All reasonable costs, charges, and expenses which the sheriff or his deputy expends or is liable to in and about the providing of poll-books, booths, and clerks (such clerks to be paid not more than one guinea each for each day) for the purpose of taking the poll at any such election shall be paid by the several candidates at such election in equal proportions.

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Any person who wilfully and falsely takes any oath or affirmation appointed by the rules in the schedule to this Act to be taken shall be guilty of perjury. 7 & 8 Vict. c. 92. s. 14.

18. A coroner when elected shall make, if a coroner for a county before the sheriff of the county, and if a coroner for a borough before the mayor of the borough, a declaration duly to execute his office. Declaration of office and residence of coroner. See 7 & 8 Vict. c. 92. s. 5. 23 & 24 Vict. c. 116. s. 1.

A coroner shall reside within the county or borough for which he is coroner, or not more than two miles beyond the boundary of such county, or than seven miles beyond the boundary of such borough.

19. A person shall not be qualified to be elected to be a coroner for a county or borough unless at the time of the election he is either a barrister in actual practice of not less than five years standing, or a solicitor of the Supreme Court of Judicature of not less than five years standing, or a legally qualified medical practitioner of not less than five years standing. Qualification of coroner. See 3 Edw. 1. c. 10. 14 Edw. 3. st. 1. c. 8. 28 Edw. 3. c. 6. 5 & 6 W. 4. c. 76. s. 62.

An alderman or councillor of a borough shall not be qualified to be a coroner for that borough.

20. A coroner shall not act as counsel, and shall not by himself or his partner, directly or indirectly, act as solicitor, in the prosecution or defence of a person for an offence for which such person is charged by an inquisition taken before him as coroner, whether such person is tried on that inquisition or on any bill of indictment found by a grand jury. Coroner not to act professionally and as coroner in same case. See 7 & 8 Vict. c. 92. s. 18.

A coroner who is a medical practitioner shall be disqualified for holding an inquest on the body of a person whom he has attended as a medical practitioner at or within a month before the death of such person.

If a coroner acts or holds an inquest in contravention of this section, he shall be deemed guilty of misbehaviour in the discharge of his duty.

Moreover, the court before whom such person is tried may impose on a coroner appearing to the court to act in contravention of this section such fine not exceeding *fifty pounds* as to the court seems fit.

21. The Lord Chancellor may, if he think fit, remove any coroner from his office for inability or misbehaviour in the discharge of his duty. Removal and punishment of coroner. See 3 Edw. 1. (Stat. West. 2.) cc. 9, 10. 3 Hen. 7. c. 2.

A coroner who is guilty of extortion or of corruption or of wilful neglect of his duty or of misbehaviour in the discharge of his duty

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1 Hen. 8. c. 7. 25 G. 2. c. 29. s. 6. 23 & 24 Vict. c. 116. s. 6.

shall be guilty of a misdemeanor, and in addition to any other punishment shall, unless his office of coroner is annexed to any other office, be adjudged by the court before whom he is so convicted to be removed from his office, and shall be disqualified for acting as coroner, and if he is a coroner for a county or borough, writs shall issue for an election of another coroner.

Fine on coroner for neglect as to inquisition, depositions, and recognizances, &c. See 7 Geo. 4. c. 64. s. 5.

22. If a coroner fail to comply with the provisions of this Act with respect to the delivery of the inquisition, or to the taking and delivery of the depositions and recognizances, in the case of murder or manslaughter, the court to whose officer the inquisition, depositions, and recognizances ought to have been delivered may, upon proof of the said non-compliance, in a summary manner, impose such fine upon the coroner as to the court seems meet.

Payment of Coroners.

Remuneration of county or borough coroner. See 5 & 6 W. 4. c. 76. s. 62. 23 & 24 Vict. c. 116. s. 4.

23. There shall be paid to every coroner for a county or borough such reasonable annual salary out of the local rate as may be from time to time determined by the local authority with the approval of the Secretary of State. Such salary shall be deemed to accrue from day to day, and shall be payable quarterly or at other less intervals fixed by the local authority.

Coroners to be paid when they act for sheriffs. 7 & 8 Vict. c. 92. ss. 22.

24. Where any writ, process, or extent whatsoever is directed to and executed by a coroner for a county county of a city or county of a town in the place of a sheriff, the coroner shall, in addition to any salary to which he is entitled, receive the same poundage fees or other compensation or reward for executing the writ, process, or extent, and have the same right to retain, and all other remedies for the recovery of the fees, compensation, or reward as the sheriff would have been entitled to and had in whose place such coroner was substituted; and if the fees or compensation payable to the sheriffs are at any time after the passing of this Act increased by Act of Parliament or otherwise, the coroner shall be entitled to such increased fees or compensation.

Prohibition on coroner taking fee. See 3 Edw. 1. c. 10. 1 Hen. 8. c. 7.

25. Save as is authorised by this or any other Act, a coroner shall not take any fee or remuneration in respect of anything done by him in the execution of his office.

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PART II.

A.D. 1878.

Supplemental.

Procedure.

26. The following enactments shall be made with respect to procedure at coroner's inquests: Enactments with respect to procedure at inquests.

(1.) If the jury do not agree, the coroner shall collect the opinions of the jury, and the opinion of not less than twelve shall be the verdict of the jury:

(2.) The inquisition shall be under the hands, and in the case of murder or manslaughter also under the seals, of the jurors who concur in the verdict, and of the coroner:

(3.) An inquisition need not, except in the case of murder or manslaughter, be on parchment, and may be written or printed, or partly written and partly printed, and may be in the form contained in the Second Schedule to this Act, or in such other form as the Lord Chancellor from time to time prescribes, and the statements therein may be made in concise and ordinary language. 6 & 7 Vict. c. 83. s. 2.

(4.) The coroner on the termination of an inquest on any death shall send to the registrar of deaths whose duty it is by law to register the death such certificate of the finding of the jury respecting the particulars required by the Acts for the time being in force respecting the registration of deaths to be inquired of by the jury as is required by those Acts. See 37 & 38 Vict. c. 88. s. 16.

(5.) The evidence of each witness shall be read over to him by the coroner before it is signed by the witness. The signature of the witness and the counter-signature of the coroner shall be sufficient if attached to the end of the deposition, but may be attached to each page at the end thereof.

(6.) The coroner shall cause recognizances taken before him to be taken, so far as circumstances admit, in one of the forms contained in the Second Schedule to this Act, or in such other forms as the Lord Chancellor from time to time prescribes, and shall give notice of the recognizance to every person bound thereby. See 22 Vict. c. 33. s. 2.

(7.) Every inquisition, deposition, and recognizance taken at an inquest, which is not required by this Act to be delivered to the proper officer of any court, shall, before the expiration of twelve months after the inquest, be filed among the records of the county or borough in which the inquest was held, and a coroner shall from time to time deliver or

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send the same for the purpose to the clerk of the peace for the county or the town clerk of the borough as the case may require.

See 22 Vict. c. 33. s. 3.

(8.) A person shall be entitled to have from the person having for the time being the custody of any inquisition or of the depositions of the witnesses at an inquest, copies thereof on payment of a reasonable sum for the same, not exceeding the rate of *three halfpence* for every folio of ninety words.

37 & 38 Vict. c. 88. s. 17.

(9.) A coroner, upon holding an inquest upon any body, may, if he thinks fit after view of the body, by order under his hand authorise the body to be buried before verdict and before registry of the death, and shall deliver such order to the relative or other person to whom the same is required by the Acts for the time being in force respecting the registration of deaths to be delivered; but, except upon holding an inquest, no order, warrant, or other document for the burial of a body shall be given by the coroner.

Attendance of witnesses and jurors. See 6 G. 4. c. 50. s. 53. 7 & 8 Vict. c. 92. s. 17.

27. (1.) A coroner may bind a person by recognizance to appear and serve as a juror or give evidence at an adjourned inquest to be held at the time and place mentioned in such recognizance.

(2.) Where a person duly summoned as a juror at an inquest does not, after being openly called three times, appear to such summons, or appearing, refuses without reasonable excuse to serve as a juror, the coroner may impose on such person a fine not exceeding *five pounds*.

7 & 8 Vict. c. 92. s. 17.

(3.) Where a person duly summoned to give evidence at an inquest does not, after being openly called three times, appear to such summons, or appearing, refuses without lawful excuse to answer a question put to him, the coroner may impose on such person a fine not exceeding *forty shillings*.

See 7 & 8 Vict. c. 92. s. 17.

(4.) Any power by this Act vested in a coroner of imposing a fine on a juror or witness, shall be deemed to be in addition to and not in derogation of any power the coroner may possess as a court of record, with this qualification, that a person shall not be fined by the coroner and also committed for contempt in respect of the same act, neglect, or default.

See 6 Geo. 4. c. 50. s 53. 7 & 8 Vict. c. 92. s. 17.

(5.) Where a coroner imposes a fine upon a person, he shall sign a certificate describing such person and stating the amount of the fine imposed and the cause of the fine, and shall send such certificate to the clerk of the peace for the county or place in which such person resides on or before the first day of the quarter sessions

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then next ensuing, and shall, twenty-four hours at the least before that day, cause a copy of such certificate to be served upon the person fined by leaving it at his residence, and the clerk of the peace shall copy every fine so certified on the roll on which fines and forfeitures imposed at the said quarter sessions are copied, and the same shall be estreated, levied, and applied in like manner and subject to the like powers, provisions, and penalties in all respects as if such fine had been part of the fines imposed at the said quarter sessions.

(6.) Where a recognizance is forfeited at an inquest held before a coroner, the coroner shall proceed in like manner under this section as if he had imposed a fine under this section upon the person forfeiting that recognizance, and the provisions of this section shall apply accordingly. 22 & 23 Vict. c. 21. s. 40.

Inquisition to be amended and not quashed for defects.

28. If in the opinion of the court having cognizance of the case an inquisition finds sufficiently the matters required to be found, and where it charges a person with murder or manslaughter sufficiently designates that person and the offence charged, the inquisition shall not be quashed for any defects, and the court may order the proper officer of the court to amend any defect in the inquisition, and any variance occurring between the inquisition and the evidence offered in proof thereof, if the court are of opinion that such defect or variance is not material to the merits of the case and that the defendant or person traversing the inquisition cannot be prejudiced by the amendment in his defence or traverse on the merits, and the court may order the amendment on such terms as to postponing the trial to be had before the same or another jury as to the court may seem reasonable, and after the amendment the trial shall proceed in like manner, and the inquisition verdict and judgment shall be of the same effect, and the record shall be drawn up in the same form, in all respects as if the inquisition had originally been in the form in which it stands when so amended:

See 6 & 7 Vict. c. 83. s. 2. 14 & 15 Vict. c. 100. ss. 1–3, 23.

For the purpose of any such amendment the court may respite any of the recognizances taken before the coroner, and the persons bound by such recognizances shall be bound without entering into any fresh recognizances to appear and prosecute, give evidence, or be tried at the time and place to which the trial is postponed, as if they were originally bound by their recognizances to appear and prosecute, give evidence, or be tried at that time and place.

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Medical Witnesses and Post-mortem Examinations.

Power of coroner to summon medical witnesses and to direct performance of post-mortem examination. See 6 & 7 W. 4. c. 89. ss. 1, 2.

29. Where it appears to the coroner that the deceased was attended at his death or during his last illness by any legally qualified medical practitioner, the coroner may summon such practitioner as a witness; but if it appears to the coroner that the deceased person was not attended at his death or during his last illness by any legally qualified medical practitioner, the coroner may summon any legally qualified medical practitioner who is at the time in actual practice in or near the place where the death happened, and any such medical witness as is summoned in pursuance of this section may be asked to give evidence as to how, in his opinion, the deceased came to his death.

The coroner may, either in his summons for the attendance of such medical witness or at any time between the issuing of that summons and the end of the inquest, direct such medical witness to make a post-mortem examination of the body of the deceased, with this qualification, that where a person states upon oath before the coroner that in his belief the death of the deceased was caused partly or entirely by the improper or negligent treatment of a medical practitioner or other person, such medical practitioner or other person shall not be allowed to perform or assist at the post-mortem examination of the deceased.

If a majority of the jury sitting at an inquest are of opinion that the cause of death has not been satisfactorily explained by the evidence of the medical practitioner or other witnesses brought before them, they may require the coroner in writing to summon as a witness some other legally qualified medical practitioner named by them, and further to direct a post-mortem examination of the deceased, to be made by such last-mentioned practitioner, and that whether such examination has been previously made or not, and the coroner shall comply with such requisition, and in default shall be guilty of a misdemeanor.

Fees to medical witnesses. See 6 & 7 W. 4. c. 89. ss. 3, 4, 5. 7 W. 4. & 1 Vict. c. 68. s. 2.

30. A legally qualified medical practitioner who has attended at a coroner's inquest in obedience to a summons of the coroner under this Act shall be entitled to receive such remuneration as follows; that is to say,

(*a.*) For attending to give evidence at any inquest whereat no post-mortem examination has been made by such practitioner, *one guinea;* and

(*b.*) For making a post-mortem examination of the body of the deceased, without an analysis, and for attending to give evidence thereon, *two guineas;* and

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(*c.*) For making an analysis with the approval of a Secretary of State, and for attending to give evidence thereon, *ten guineas.* A.D. 1878.

Provided that—

(1.) Any fee or remuneration shall not be paid to a medical practitioner for the performance of a post-mortem examination instituted without the previous direction of the coroner.

(2.) Where an inquest is held on the body of a person who has died in a county or other lunatic asylum, or in a public hospital, infirmary, or other medical institution, or in a building or place belonging thereto, or used for the reception of the patients thereof, whether the same be supported by endowments or by voluntary subscriptions, the medical officer, whose duty it may have been to attend the deceased person as a medical officer of such institution as aforesaid shall not be entitled to such fee or remuneration.

Penalty on medical practitioner for neglecting to attend. See 6 & 7 W. 4. c. 89. s. 6.

31. Where a medical practitioner fails to obey a summons of a coroner issued in pursuance of this Act, he shall, unless he shows a good and sufficient cause for not having obeyed the same, be liable on summary conviction before two justices on the prosecution of the coroner or of any two of the jury, to a fine not exceeding *five pounds.*

Removal of body for post-mortem examination. 29 & 30 Vict. c. 90. s. 28. 38 & 39 Vict. c. 55. s. 143.

32. Where a place has been provided by a sanitary authority or nuisance authority for the reception of dead bodies during the time required to conduct a post-mortem examination, the coroner may order the removal of a dead body to and from such place for carrying out such examination, and the costs of such removal shall be deemed to be part of the expenses incurred in and about the holding of an inquest.

Expenses of Inquests.

Schedule of fees and disbursements payable on holding inquest. See 7 W. 4. & 1 Vict. c. 68. s. 1.

33. The local authority for a county or borough from time to time, with the sanction of a Secretary of State, may make, and when made may alter and vary a schedule of fees, allowances, and disbursements which on the holding of an inquest may lawfully be paid and made by the coroner holding such inquest (other than the fees payable to medical witnesses in pursuance of this Act), and the local authority shall cause a copy of every such schedule to be deposited with the clerk of the peace of the county or with the town clerk of the borough, and one other copy thereof to be delivered to every coroner for such county or borough.

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Payment of expenses by coroner. 7 W. 4. & 1 Vict. c. 68. s. 1.

34. The coroner for a county or borough holding an inquest shall immediately after the termination of the proceedings pay the fees of every medical witness not exceeding the fees fixed by this Act, and all expenses reasonably incurred in and about the holding thereof, not exceeding the sums set forth in the schedule for the time being in force under this Act, and the sums so paid shall be repaid to the coroner in manner provided by this Act.

Coroners to lay their accounts before the local authority. 7 W. 4. & 1 Vict. c. 68. s. 3.

35. Every coroner for a county or borough shall, within four months after holding an inquest, cause a full and true account of all sums paid by him under this Act to be laid before the local authority of such county or borough.

Every account shall be accompanied by such vouchers as under the circumstances may to the local authority seem reasonable; and the local authority may, if they think fit, examine the said coroner on oath as to the account, and on being satisfied of the correctness thereof the local authority shall order their treasurer to pay to the coroner the sum due to him on such account; and the treasurer shall pay the same out of the local rate, without any abatement or deduction whatever; and shall be allowed the same on passing his accounts.

Coroner's Districts in Counties.

Coroner's districts and jurisdiction of coroners.

36. The districts into which a county is divided at the passing of this Act for the purpose of the jurisdiction of coroners shall continue until altered by or in pursuance of this Act.

See 7 & 8 Vict. c. 92. s. 9.

Where a county is divided into districts, a coroner for the county shall be elected for a particular district, and shall be elected by the persons residing within that district who are at the time of election qualified to vote at an election for coroners for the county, and the election of such coroner shall be held in some place within the district.

See 7 & 8 Vict. c. 92. s. 5.

A coroner elected for a coroner's district of a county shall reside within that district or in some place not more than two miles beyond the boundary of that district.

7 & 8 Vict. c. 92. ss. 19, 20.

It shall be the duty of a coroner elected for a coroner's district of a county to hold all inquests in that district, but he shall be deemed to be a coroner for the whole county, and he may, by himself or his deputy, hold in any other coroner's district of the same county any inquest during the vacancy of the office of coroner elected for that district and also any inquest which from any cause cannot be held by the coroner elected for that district or his deputy.

Division of county into coroners

37. (1.) Her Majesty may, from time to time, by Order in Council, for the purposes of the jurisdiction of coroners, divide

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districts and alteration of districts. See 7 & 8 Vict. c. 92. ss. 1–7.

a county into two or more coroners districts, or alter any then existing coroners districts in a county, whether by the division or union of two or more coroners districts, or parts thereof, or by the variation of the boundaries of any two or more coroners districts, or by the abolition of all the coroners districts in a county and the re-division of the county into coroners districts; and Her Majesty may make any such Order in Council, either upon such petition from the local authority of the county as is herein-after mentioned, or whenever it seems fit to Her Majesty to direct the issue of a writ for the election of an additional coroner for a county above the number of those who have been theretofore customarily elected in that county.

(2.) Where it appears to the local authority of a county expedient that an Order in Council under this section should be made in relation to their county they may pass provisionally a resolution that it is expedient to petition Her Majesty for such Order, and may adjourn the consideration of the petition until a future day not less than two months subsequently.

(3.) The petition referred to in such provisional resolution shall specify the proposed division or alteration together with such particulars as may be required for enabling Her Majesty to determine the expediency thereof.

(4.) The clerk of the peace shall serve a copy of the petition proposed by the provisional resolution on every coroner for the county who is affected by the proposals of the petition, and shall at the same time give to every such coroner notice of the day when the petition will be taken into consideration by the local authority.

(5.) Notice of such day shall also be given in the like manner in which notices of the meetings of the local authority are ordinarily given.

(6.) The local authority on the said day when they take the petition into consideration shall confer as to the petition with every coroner affected by the proposals of the petition who attends, and shall, after taking into consideration any matters urged by such coroner, pass a resolution adopting, with or without modification, or abandoning, the petition. If a resolution is passed adopting the petition, with or without modification, the petition as so adopted shall thereupon be presented to Her Majesty, certified under the hands of two or more members of the local authority present at its adoption, and shall pray that the proposals thereof may be carried into effect by Order in Council.

(7.) The clerk of the peace shall serve a copy of such petition upon every coroner for the county.

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(8.) Her Majesty, after taking into consideration such petition, and also any objection made by a coroner affected by the proposals of the petition, may, by Order in Council, either adopt the proposals of the petition, with or without modifications, and divide the county into coroners districts, or alter the coroners districts accordingly, or reject the petition altogether.

(9.) Upon an Order in Council being made under this section, the local authority of the county shall make such arrangements as may be necessary for carrying the Order into effect, care being taken to assign, so far as is possible, some coroner's district to every coroner for the county holding office at the date of the order, and where the Order in Council alters any district the district constituted by such order shall, so far as practicable, be assigned to the coroner usually acting in the same district or the larger part thereof in area before the date of the Order. A coroner so assigned to a district shall be deemed for the purposes of this Act to be a coroner elected for that district. As part of such arrangement the local authority shall cause a list to be prepared by the clerk of the peace of the parishes comprised in the district, and shall specify therein the places in the district at which the court for the election of coroner for the district is to be held and the poll to be taken.

(10.) The Order in Council shall be enrolled amongst the records of the county.

(11.) In dividing a county into coroners districts or altering any coroners districts of a county, care shall be taken so far as is possible to make every district consist of a group of parishes and to avoid interfering with existing local boundaries.

(12.) Nothing in this section shall be construed to abridge or affect the royal prerogative.

Coroner of the Queen's Household.

Appointment and jurisdiction of the coroner of the Queen's household. See 28 Ed. 1. c. 3. 27 Hen. 8. c. 24. s. 10. 33 Hen. 8. c. 12.

38. (1.) The coroner of the Queen's household shall continue to be appointed by the Lord Steward for the time being of the Queen's household.

(2.) The coroner of the Queen's household shall have exclusive jurisdiction in respect of inquests on persons whose bodies are lying within the limits of any of the Queen's palaces or other house where Her Majesty is then demurrant and abiding in her own royal person, notwithstanding the subsequent removal of Her Majesty from such palace or house.

(3.) The jurors on an inquest held by the coroner of the Queen's household shall consist of officers of the Queen's household, to be returned by such officer of the Queen's household as may be directed to summon the same by the warrant of the said coroner.

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(4.) The limits of the said palace or house shall be deemed to extend to any courts, gardens, or other places within the curtilage of such palace or house but not further, and where a body is lying dead in any place beyond those limits the coroner of the Queen's household shall not have jurisdiction to hold an inquest on such body, and the coroner of the county or borough shall have jurisdiction to hold that inquest in the same manner as if that place were not within the verge.

(5.) Where the inquisition charges a person with murder or manslaughter, the coroner of the Queen's household shall deliver the inquisition, depositions, and recognizances to the Lord Steward of the Queen's household, or in his absence, to the treasurer and comptroller of the Queen's household, and the recognizances shall be taken for the appearance of the persons bound by them before the said Lord Steward, or in his absence before the said treasurer and comptroller.

(6.) All other inquisitions, depositions, and recognizances, shall be delivered to the Lord Steward of the Queen's household to be filed among the records of his office.

(7.) The coroner of the Queen's household shall make his declaration of office before the Lord Steward of the Queen's household, and shall reside in one of the Queen's palaces, or in such other convenient place as may from time to time be allowed by the Lord Steward of the Queen's household.

(8.) Save as is in this section specially provided, the coroner of the Queen's household shall, within the said limits have the same jurisdiction and powers, be subject to the same obligations, liabilities, and disqualifications, and generally to the provisions of this Act and to the law relating to coroners in like manner as any other franchise coroner.

(9.) The Lord Steward of the Queen's household or the treasurer and comptroller of the Queen's household shall not have any jurisdiction to inquire of, try, hear, or determine, any offence committed beyond the limits aforesaid, or to arraign, try, or give judgment upon any person charged by any inquisition found before a coroner for any place beyond the limits aforesaid, and every such offence shall be inquired of, tried, heard, and determined, and every such person shall be arraigned, tried, and have judgment according to the ordinary course of law.

See 33 Hen. 8. c. 12.

Franchise Coroners.

Application of Act to franchise coroners.

39. The provisions of this Act with respect to a coroner shall, so far as circumstances admit, apply to a franchise coroner, except so

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far as those provisions are expressed to apply to a coroner for a county or borough, and in lieu of such excepted provisions the following provisions shall have effect:—

(1.) Where the court quash the inquisition held by a coroner for a franchise and order another inquest, the court may order such other inquest to be held by a coroner for any county in which such franchise is situate or for any county to which it adjoins.

(2.) A coroner for a franchise may from time to time by writing under his hand appoint, with the approval of the person or body of persons in whom the appointment of such coroner is vested, a person qualified under this Act to be elected a coroner to be his deputy, but such deputy shall not act except during the illness of the coroner, or except on any inquest which the coroner is disqualified under this Act for holding.

(3.) Where there is no coroner capable of holding inquests, or of holding a particular inquest in a franchise, the coroner for the county in which the franchise is situate or if it is not situate in a county for the county to which the franchise adjoins, shall be interim coroner for the franchise, and for all purposes until there is another coroner capable of holding inquests in the franchise, or in the case of a particular inquest, for all purposes in relation to that inquest, the franchise shall be deemed to be part of the said county, and if the county is divided into districts of the district in which the franchise is situate or to which it adjoins.

The coroner for the county shall be entitled to be paid by the authority or person by whom the franchise coroner is paid the sums following, namely, if the franchise coroner is paid by fees, the same fees as would be payable to that coroner, and if he is paid by salary, then, in the case of a particular inquest such reasonable sum as the local authority of the county direct to be paid, and in any other case the same salary as if he were coroner for the franchise.

Where the franchise adjoins more than one district, the coroner for such district of the county as the sheriff determines shall be interim coroner, and where the franchise, not being situate in any county, adjoins more than one county, the same shall, for the purposes of this section, be deemed to be situate in that county with which it has the longest common boundary.

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(4.) A coroner for a franchise shall make his declaration of office before the sheriff of a county in which the franchise or any part thereof is situate, and shall reside within his franchise or within a convenient distance from the boundary thereof.

(5.) A person not qualified to be elected a coroner for a county, shall not be qualified to be appointed after the passing of this Act a coroner for a franchise, except where the office of coroner is annexed to some other office.

(6.) Nothing in this Act shall interfere with any power of removing a franchise coroner which is vested by law in any person or body of persons.

Where a franchise coroner is removed in pursuance of the powers conferred by this Act, the person or body of persons in whom the appointment of such coroner is vested shall forthwith appoint another coroner.

(7.) This section shall apply to Her Majesty in right of Her Duchy of Lancaster, in like manner as to any person in whom the appointment of a franchise coroner is vested.

Power to surrender existing franchises.

40. Any person or body of persons having power to appoint a franchise coroner may surrender such power to the local authority for the county or borough in which the franchise is situate, and such surrender may be made on such conditions and on payment of such compensation (if any) as may be agreed upon.

Any compensation payable by the local authority under this section may be charged on and paid out of the local rate.

On such surrender being completed the power so surrendered shall be extinguished, and the franchise shall, for the purposes of this Act, be deemed to form part of the area within the jurisdiction of the local authority to whom the surrender has been made, and in a county where there are coroners districts shall be deemed to form a district subject to alteration by an Order in Council under this Act.

The provisions of this Act with respect to the surrender to the local authority of the power of appointing a franchise coroner, shall authorise the surrender of the power of appointing a franchise coroner within the liberties of the Duchy of Lancaster, or within any of those liberties, and such surrender may be made by the Chancellor and council of the Duchy of Lancaster on behalf of Her Majesty under the seal of the Duchy.

The jurisdiction of the coroner of the Queen's household within the limits of the Queen's palaces or houses mentioned in this Act or

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of any of them may, if it seem fit, be surrendered in pursuance of this section, and such surrender may be made by warrant under the Royal Sign Manual countersigned by the Lord Steward of the Queen's household.

Saving for remuneration of franchise coroners. See 25 Geo. 2. c. 29. s. 15. 7 & 8 Vict. c. 92. ss. 25, 26.

41. Where a franchise coroner is, at the passing of this Act, paid a salary out of the local rate, the provisions of this Act with respect to the payment of coroners, and the expenses of inquests, shall apply as if such coroner were a coroner for a county.

Nothing in this Act shall affect the remuneration to which a franchise coroner who is not at the passing of this Act paid a salary out of the local rate is entitled at the passing of this Act, and every such coroner shall continue to be entitled to receive the same fees, allowances, and remuneration as he would have been entitled to if this Act had not passed.

Clauses as to expenses of inquests to extend to city of London. 7 Will. 4. & 1 Vict. c. 68. s. 4.

42. The provisions of this Act with respect to the expenses of inquests shall apply to the city of London and the borough of Southwark.

Payment of travelling expenses of coroner in Cinque Ports where inquisition is not taken. 7 & 8 Vict. c. 92. ss. 21, 26.

43. Where a coroner appointed and acting for the jurisdiction of the Cinque Ports deems it unnecessary to hold and declines to hold an inquest, and shows to the justices in general or quarter sessions assembled that he had nevertheless been compelled in the discharge of his office to travel from his usual place of abode for the purpose of taking that inquest, such justices may order the payment to that coroner of the same allowances for travelling as might be allowed in any other case.

Savings and Miscellaneous.

Saving clause as to official coroners.

44. Nothing in this Act shall prejudice the jurisdiction of a judge exercising the jurisdiction of a coroner by virtue of his office, and such judge may, notwithstanding the passing of this Act, exercise any jurisdiction, statutable or otherwise, previously exercisable by him, in the same manner as if this Act had not passed.

Saving of jurisdiction as to removal of coroner, or otherwise in relation to a coroner.

45. Nothing in this Act shall prejudice the jurisdiction of the Lord Chancellor or the High Court of Justice in relation to removing a coroner otherwise than in manner provided by this Act, or in any manner prejudice or affect the jurisdiction of the High Court of justice or of any judge thereof in relation to or over a coroner or his duties.

Inquest on treasure trove. 4 Edw. 1. (Off. Cox.)

46. A coroner shall continue as heretofore to have jurisdiction to inquire of treasure that is found, who were the finders, and who is suspected thereof, and the provisions of this Act shall, so far as is consistent with the tenor thereof, apply to every such inquest.

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Effect of Schedules.

47. The Schedules to this Act shall be construed and have effect as part of this Act, and the forms given in any of those schedules, or such other forms as the Lord Chancellor from time to time directs, may be used in all matters to which they apply, and when so used shall be sufficient in law.

Definitions.

Construction of Act with respect to counties. See 7 & 8 Vict. c. 92. s. 28.

48. In this Act the expression "county," unless there is something inconsistent in the context, does not include a county of a city or a county of a town, but includes any riding parts or division of a county having a separate court of quarter sessions, also the liberty of the soke of Peterborough, and the liberty of Ripon.

See 6 & 7 Will. 4. c. 87. ss. 10, 16.

The counties in Wales, and the counties of Durham, of Chester, of the liberty of Ripon, of the soke of Peterborough, and of the Isle of Ely shall, save as is otherwise expressly provided by this Act, be, for the purposes of this Act, subject to the same provisions as the other counties of England, and for the purpose of the provisions of this Act with respect to coroners districts, a ward in the county of Durham shall be deemed to be a coroner's district in that county.

7 Will. 4 & 1 Vict. c. 64, s. 1. 23 & 24 Vict. c. 46. s. 7.

Provision for application of Act to county of Lancaster.

49. This Act shall apply to the county of Lancaster in like manner as it applies to the other counties of England, subject as follows:

(1.) The provisions of this Act with respect to the Lord Chancellor shall be construed in the case of the said county to mean the Chancellor of the Duchy and county palatine of Lancaster, and the writ de coronatore eligendo issued by that Chancellor, shall be issued by such persons and in such manner as the Chancellor and the council of the Duchy of Lancaster from time to time direct.

(2.) An Order in Council with respect to coroners districts in the county of Lancaster shall be made on the recommendation of the Chancellor and council of the Duchy of Lancaster.

Provisions as to detached parts of counties. See also 7 & 8 Vict. c.92. ss. 8, 24.

50. Whereas by the Coroners Act of 1843, that is to say, the Act of the session of the sixth and seventh years of the reign of her present Majesty, chapter twelve, intituled "An Act for the more convenient holding of coroners inquests," it is enacted that for the purpose of holding coroners inquests every detached part of a county shall be deemed to be within the county by which it is wholly surrounded, or where it is partly surrounded by two or more counties within the county with which it has the longest common boundary.

And whereas by the Detached parts of Counties Act of 1844, that is to say, the Act of the session of the seventh and eighth

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years of the reign of her present Majesty, chapter sixty-one, intituled "An Act to annex detached parts of counties to the coun- "ties in which they are situated," it is enacted that every part of a county which is detached from the main body of such county shall be considered for all purposes (except coroners inquests under the said Coroners Act of 1843) as forming part of that county of which it is considered a part for the purposes of the election of members to serve in Parliament.

And whereas it is expedient that any such detached part of a county should for the purpose of holding coroners inquests form part of the county of which it forms part for the purpose of the county rate: Be it therefore enacted as follows :—

Every part of a county which on the passing of the said Coroners Act of 1843, that is to say, on the eleventh day of April one thousand eight hundred and forty-three was detached from the main body of the county shall, for the purpose of holding coroners inquests, be deemed to form part of that county of which it is declared to form a part by the said Detached parts of Counties Act of 1844.

Definition of "local authority" and "local rate."

51. For the purposes of this Act the local authority of a county shall be the court of quarter sessions of the county.

For the purposes of this Act the local authority of a borough shall be the mayor, aldermen, and burgesses of the borough acting by the council.

The local rate for the purposes of this Act shall be, in the case of a county, the county rate, or rate in the nature of a county rate, and, in the case of a borough, the borough fund or borough rate.

Definition of persons qualified to serve as jurors.

52. For the purpose of the provisions of this Act respecting persons qualified to serve as jurors, every person whose name is for the time being entered in the jurors book for the current year for any county, shall be deemed to be qualified to serve as a juror at an inquest held under this Act in that county, and every person who is for the time being a burgess of a borough for which there is a separate coroner, shall be deemed to be qualified to serve as a juror at an inquest held under this Act in that borough.

Definitions.

53. In this Act, if not inconsistent with the context, the following terms and expressions have the meanings herein-after respectively assigned to them:

"Quarter sessions."

The expression "quarter sessions" includes general sessions.

"Borough." 5 & 6 W. 4. c. 76.

The expression "borough" means any place for the time being subject to the Municipal Corporations Act, 1835, and the Acts amending the same.

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"Franchise coroner."

The expression "franchise coroner" means any of the following coroners, that is to say, the coroner of the Queen's household, a coroner or deputy coroner for the jurisdiction of the Admiralty, a coroner appointed by Her Majesty in right of Her Duchy of Lancaster, and a coroner appointed for a town corporate, liberty, lordship, manor, university, or other place, the coroner for which has heretofore been appointed by any lord, or otherwise than by election of the freeholders of a county, or of any part of a county, or by the council of a borough, and the expression "franchise" means the area within which the franchise coroner exercises jurisdiction.

"Secretary of State."

The expression "Secretary of State" means one of Her Majesty's Principal Secretaries of State.

"Murder."

The expression "murder" includes the offence of being an accessory before the fact to a murder.

"Parish."

The expression "parish" means a parish, township, or place for which a separate poor rate is or can be made, or for which a separate overseer is or can be appointed.

Temporary Provisions and Repeal.

Temporary provisions for Yorkshire and Lincolnshire.

54. Whereas heretofore Lincolnshire and Yorkshire have each been one county for the purposes of the jurisdiction of coroners, but for the purposes of this Act the parts of Holland, the parts of Kesteven, and the division of Lindsey in Lincolnshire, and each of the three ridings of Yorkshire, are respectively separate counties, and it is expedient to make the following provisions for the introduction of the provisions of this Act into each such separate county, be it therefore enacted as follows:

Where a coroner's district is wholly comprised in any such county the coroner elected for that district shall be deemed to be coroner for that county, and not for any other county.

Where a coroner's district is situate partly in one such county and partly in another such county, then

(1.) The coroner elected for that district shall be deemed, until an alteration is made in the district or a vacancy in the office occurs, to be coroner for each of those counties, and the salary payable to such coroner shall be apportioned between the county rate of each such county in proportion to the rateable value of the portion of the district comprised in each such county, such apportionment in case of difference to be determined by a Secretary of State, and the expenses payable out of the local rate in respect of an inquest

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held by such coroner shall be defrayed out of the local rate of the county in which that inquest is held; and

(2.) An Order in Council under this Act made on the petition of the local authorities for the two counties may alter such district and make such provision for assigning the coroner to a coroner's district comprised wholly in one of such counties as may seem expedient; and

(3.) On the first vacancy after the commencement of this Act in the office of coroner for such district each portion of the district which is wholly comprised in one such county shall be deemed to be a separate coroner's district (subject nevertheless to be altered by any prior or subsequent Order in Council under this Act):

The jurisdiction of the justices in gaol sessions for Lincolnshire and for Yorkshire in relation to coroners shall, after the commencement of this Act, cease, except so far as may be necessary for completing or carrying into effect any matters which arose before the commencement of this Act.

Saving for salary of coroners appointed before 23 & 24 Vict. c. 116.

55. Notwithstanding anything in this Act the salary of a coroner who is paid out of the county rate, and who held office at the passing of the Act of the twenty-third and twenty-fourth years of the reign of Her present Majesty, chapter one hundred and sixteen, that is to say, on the twenty-eighth day of August eighteen hundred and sixty, shall not be less than the minimum salary fixed by that Act, and the power under that Act to increase or diminish the salary of any coroner who is paid out of the county rate after the lapse of every successive period of five years in manner in the said Act mentioned shall continue as regards any coroner who holds office at the passing of this Act as if the said Act were not repealed.

Saving as to salary of borough coroner holding office at the commencement of this Act.

56. Where the coroner for a borough who holds office at the commencement of this Act is not paid by salary, the salary assigned to him under this Act by the local authority of the borough with the approval of the Secretary of State shall not be less than the average annual emoluments which he satisfies the Secretary of State have been derived by him and his predecessor in office from the office of coroner of the borough during the five years next preceding the commencement of this Act.

Saving for tenure of office of existing coroners and assign-

57. A coroner who holds office at the passing of this Act shall not be subject to any obligation as to residence further or other than that to which he is subject at the passing of this Act, nor to any further or other power of removal than that to which he is subject at the passing of this Act; and every coroner who has been assigned

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to or elected for a coroner's district before the passing of this Act shall be deemed to have been elected under this Act for that district.

ment of coroners to districts.

58. Where at the passing of the Act of the session of the sixth and seventh years of the reign of Her present Majesty, chapter twelve, intituled "An Act for the more convenient holding of "coroners inquests," that is to say, on the eleventh day of April one thousand eight hundred and forty-three, there was a coroner appointed for and acting in any detached part of a county to which that Act applied, that coroner shall continue to exercise his jurisdiction within the said detached part for so long a time and in such manner and subject to such power of removal as he would have held and exercised the same if this Act had not passed.

Saving as to detached parts of counties. 7 & 8 Vict. c. 92. s. 23.

Any part of a county which under the provisions of this Act with respect to detached parts of counties is transferred from one county to another shall, subject to the provisions of any Order in Council under this Act with respect to coroners districts, form in the county to which it is so transferred part of that coroner's district which surrounds it, or where it is surrounded by two or more coroners districts, of that coroner's district with which it has the longest common boundary.

59. A coroner shall not take pleas of the Crown nor hold inquests of royal fish nor of wreck nor of felonies except felonies on inquisitions of death; and he shall not inquire of the goods of such as by the inquest are found guilty of murder or manslaughter, nor cause them to be valued and delivered to the township.

Abolition of certain jurisdictions of the coroner. See 25 Ed. 1. Magna Carta, c. 17. 4 Ed. 1., The Office of the Coroner.

60. The Acts specified in the Third Schedule to this Act are hereby repealed, from and after the commencement of this Act, to the extent specified in the third column of that schedule.

Repeal of Acts in schedule.

Provided that—

(1.) A coroner elected before the commencement of this Act, shall continue to hold office in like manner as if he had been elected under this Act, and

(2.) Any schedule of fees, allowances, and disbursements made by a local authority for a county or borough before the commencement of this Act shall, until a schedule is made in pursuance of this Act, be of the same effect as if the schedule had been made in pursuance of this Act, and

(3.) This repeal shall not affect—

(*a.*) The past operation of any enactment hereby repealed, nor anything duly done or suffered under any enactment hereby repealed; or

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A.D. 1878.

(*c.*) Any right, privilege, obligation, or liability acquired, accrued, or incurred under any enactment hereby repealed; or

(*d.*) Any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment hereby repealed; or

(*e.*) Any inquest begun or inquisition found before the commencement of this Act or any investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid; and any such inquest, investigation, legal proceeding, and remedy, and the trial of any such inquisition may be carried on as if this Act had not passed.

(4.) This repeal shall not revive any jurisdiction, office, duty, fee, franchise, liberty, custom, right, title, privilege, restriction, exemption, usage, practice, procedure, or other matter or thing not in force or existing at the commencement of this Act.

(5.) Save in so far as is inconsistent with this Act, any principle or rule of law, or established jurisdiction, practice, or procedure, or existing usage, franchise, liberty, or custom, shall, notwithstanding the repeal of any enactment by this Act, remain in full force.

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SCHEDULES.

A.D. 1878.

FIRST SCHEDULE.

Rules for Election of Coroner.

(1.) The sheriff shall hold a court for the election at some convenient place appointed by him within the county, or, in a county divided into districts, within the district for which the election is to take place, on such day not less than seven nor more than fourteen days after the receipt of the writ as he appoints. 7 & 8 Vict. c. 92. s. 10.

(2.) If a poll is demanded the sheriff shall adjourn the court to eight o'clock in the morning of the next day but one, unless such next day is Saturday or Sunday, and then of the Monday following.

(3.) The sheriff with such others as are deputed by him shall then and there proceed to take a poll in some public place or places, and such poll shall continue for one day only for eight hours in each day, and no poll shall be kept open later than four o'clock in the afternoon. 7 & 8 Vict. c. 92. s. 10. 23 & 24 Vict. c. 116. s. 2.

(4.) The sheriff or sheriff's deputy may, if required by or on behalf of any candidate on or before the day fixed for the election, cause booths to be erected for taking the poll at the several polling places, and shall cause to be affixed on the most conspicuous part of the booth the names of the parishes to which such booth is allotted. 7 & 8 Vict. c. 92. s. 12.

(5.) Where a booth is allotted to any parish a person shall not be admitted to vote in respect of any property situate in that parish except at that booth.

(6.) Where there is no booth allotted to any parish, a person entitled to vote in respect of property situate therein shall vote at the place at which the court for the election is held.

(7.) The sheriff or such person as he deputes shall appoint such number of clerks as to him may seem meet and convenient for taking the poll, and those clerks shall take the poll in the presence of the sheriff or such person as he deputes, and before they begin to take the poll each clerk shall by the sheriff or such person as he deputes as aforesaid be sworn truly and indifferently to take the poll, and to set down the names of each elector, the place of his residence, and the person for whom he polls, and to poll no elector who is not sworn, if required to be sworn by either of the candi- 7 & 8 Vict. c. 92. s. 13.

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A.D. 1878.

dates, which oath the said sheriff or such person as he deputes may administer.

(8.) The sheriff shall appoint for each candidate such one person as is nominated to him by each candidate to be an inspector of every clerk who is appointed for taking the poll.

(9.) Every elector before he is admitted to poll at an election, shall, if required by or on behalf of any candidate, first take the oath following, which the sheriff or any such sworn clerk as aforesaid may administer, that is to say:—I swear [*or* solemnly declare, *as the case may be*] that I am a freeholder of the county of , and have a freehold estate consisting of , lying at , in the parish of , within the said county, and that such freehold estate has not been granted to me fraudulently or colourably on purpose to qualify me to give my vote at this election, and that the place of my abode is at , [*and if it be a place consisting of more streets or places than one, specifying what street or place,*] that I am twenty-one years of age, as I believe, and that I have not voted before at this election.

7 & 8 Vict. c. 92, s. 15.

(10.) The poll clerks shall at the close of the poll enclose and seal their several books, and deliver them so enclosed and sealed to the sheriff or sheriff's deputy presiding at the poll, who shall give a receipt for the same.

(11.) Where the deputy receives them, he shall forthwith deliver or transmit them so enclosed and sealed to the sheriff

(12.) The sheriff shall receive and keep all the poll books unopened until the re-assembling of the court on the day next but one after the close of the poll, unless that day be Sunday, and then on the Monday following, and on that day he shall openly break the seals thereon, and count the votes appearing in the said books, and openly declare the said poll, and make proclamation of the person chosen not later than two o'clock in the afternoon of the said day.

SECOND SCHEDULE.

FORMS.

Form of Declaration of Office of Coroner.

I solemnly, sincerely, and truly declare and affirm that I will well and truly serve our Sovereign Lady the Queen and Her liege people in the office of coroner for this county [*or* borough *or as the*

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A.D. 1878.

case may be] of , and that I will diligently and truly do everything appertaining to my office after the best of my power for the doing of right, and for the good of the inhabitants within the said county [*or* borough *or as the case may be*].

Form of Oath of Jury.

You shall diligently inquire and a true presentment make of all such matters and things as are here given you in charge on behalf of our Sovereign Lady the Queen, touching the death of *C.D.*, now lying dead, of whose body you shall have the view, and shall without fear or favour, affection, or illwill, a true verdict give according to the evidence. So help you God.

FORM OF INQUISITION.

Middlesex to wit. } AN INQUISITION taken for our Sovereign Lady the Queen at , in the parish of , in the county [*or as the case may be*] of , on the day of , 18 , [and by adjournment on the day of , *or as the case may require*] before *A.B.*, one of the coroners of our Lady the Queen for the said [county, *or, as the case may be*] upon the oath [*or* and affirmation] of *L.M.*, *N.O.*, &c. being good and lawful men of the said [county *or, as the case may be*] duly sworn to inquire for our Lady the Queen, on view of the body of *C.D.*, [*or* of a person to the jurors unknown] as to his death; and those of the said jurors whose names are hereunto subscribed upon their oaths do say :—

Here set out the circumstances of the death, as, for example :

(1.) That one *E.F.* did on the day of , in the year [aforesaid] at , in the county of , throw the said *C.D.* against the ground, whereby the said *C.D.* had a violent concussion of the brain and instantly died. *First example.*

Here set out the conclusion of the jury as to the death, as, for example : *Conclusion.*

and so do further say, that the said *E.F.* did feloniously kill [*or* feloniously, wilfully, and of malice aforethought murder] the said *C.D.* Manslaughter or murder.

Or do further say that *E.F.* not being of sound mind did kill the said *C.D.*, but not feloniously. Where killer is of unsound mind.

Or, do further say that the said *E.F.* by misfortune and against his will did kill the said *C.D.* By misadventure.

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A.D. 1878.

Justifiable omicide.

Or do further say that *E.F.* in the defence of himself [and property] did kill the said *C.D.*

Addition for accessory before the fact.

In case of there being an accessory before the fact add :

And do further say that *K.L.*, before the said murder was committed, did feloniously incite [*or* procure, aid, counsel, and command, *or*, *as the case may be*] the said *E.F.* to commit the said murder.

At end add :

In witness whereof as well the said coroner as the jurors have hereunto subscribed their hands and seals the day and year first above written.

Second example.

Another example is :

(2.) That the said *C.D.*, did on the day of , by means fall into a pond of water situate at whereof he died.

Here set out the conclusion of the jury as to the death, as for example :

Unsound mind.

And so do further say that the said *C.D.*, not being of sound mind, did kill himself.

For felo de se.

Or do further say that the said *C.D.* did feloniously kill himself.

Man-slaughter by neglect.

Or do further say that by the neglect of *E.F.* to fence the said pond *C.D.* fell therein, and that therefore *E.F.* did feloniously kill the said *C.D.*

By misadventure.

Or do further say that the said *C.D.* by misadventure fell into the said pond and was killed.

FORM OF RECOGNIZANCE.

to wit. } BE it remembered that on the day of , 18 , each of the following persons, namely, *J.K.* of and *R.S.* of [*insert the names of all bound over*] personally came before me, *A.B.*, one of the coroners of our Lady the Queen for the county [*or*, *as the case may be*] of and acknowledged to owe to our Sovereign Lady the Queen the sum of pounds to be levied on his goods and lands by way of recognizance to Her Majesty's use if default is made on his part [*or* on the part of *I.K.*] in the conditions following :—

In case of recognizance to appear and give evidence before the coroner, add :

He shall appear personally at the court of the said coroner to be held on the day of next, at in

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the said county [*or, as the case may be*], for holding an inquest on the view of the body of *C.D.*, there to give evidence of anything he knows touching the death of *C.D.*, and shall not depart the said court without leave.

In case of recognizance to prosecute and give evidence at assizes, add:

He shall appear personally at the next sessions of oyer and terminer or gaol delivery to be holden at , in and for the county of , there to prosecute and give evidence to the jury that try *E.F.* [now in custody for the wilful murder of *C.D.*], upon the inquisition taken before me, the above-named coroner, on view of the body of *C.D.*, and shall not depart the court without leave.

In case of recognizance to appear for trial:

He shall appear at the next sessions of oyer and terminer or gaol delivery to be holden in and for the county of , and there surrender himself into the custody of the keeper of a gaol in which prisoners committed for trial at those sessions are detained, and plead to the inquisition taken before me, the above-named coroner, on view of the body of *C.D.*, whereby a verdict of manslaughter has been found against him, and shall take his trial upon that inquisition, and shall not depart the court without leave.

In every case add at the end:

Then if the above conditions are fulfilled this recognizance shall be void, but otherwise shall remain in full force.

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THIRD SCHEDULE.

ACTS REPEALED.

NOTE.—This schedule is to be read as referring to the revised edition of the statutes prepared under the direction of the Statute Law Committee in all cases of statutes included in that edition as already published.

The chapters of the statutes (before the division into separate Acts) are described by the marginal abstracts, given in that edition.

As respects the two following statutes, that is to say, 12 Edw. 1, the statutes of Wales, c. 5, "of the office of coroner," that is to say, of the pleas of the Crown in Wales, and 34 & 35 Hen. 8. c. 26, "An Act for certain ordinances in the King's Majesty's dominion and principality of Wales," the record edition is referred to.

The repeal by the present Act of a part of a statute set out or referred to in the terms of the translation given in that edition is to operate on the original Latin or Norman-French, of which the translation is set out or referred to, as if the original itself were in like manner set out or referred to.

A description or citation of a portion of a statute is inclusive of the words, section, or other part first and last mentioned, or otherwise referred to as forming the beginning, or as forming the end, of the portion comprised in the description or citation.

Session and Chapter.	Title.	Extent of repeal.
3 Edw. 1. c. 9 -	The statutes of Westminster the first. Chapter nine; pursuit of felons. Punishment for neglect or corruption in officers.	The whole chapter, so far as relates to coroners.
3 Edw. 1. c. 10. -	The statutes of Westminster the first. Chapter ten; who shall be chosen coroners. Their duty.	The whole chapter.
4 Edw. 1. - -	The office of the coroner -	The whole statute.
12 Edw. 1. c. 5. -	The statutes of Wales. Chapter five; of the office of coroner, that is to say, of the pleas of the Crown in Wales.	The whole chapter.
12 Edw. 1. c. 6. -	The statutes of Wales. Chapter six; the form of the King's writs to be pleaded in Wales.	So much of the chapter as relates to the form of the writ for choosing a coroner.

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Session and Chapter.	Title.	Extent of Repeal.
28 Edw. 1. c. 3. -	Articles upon the charters. Chapter three; of what things only the steward and marshal of the King's House shall hold plea. What coroners shall inquire of the death of a man slain within the verge.	The whole chapter.
14 Edw. 3. stat. 1. c. 8.	Statute the first. Chapter eight; escheators; their number, appointment, continuance in office. Coroners; their sufficiency.	The whole chapter.
28 Edw. 3. c. 6. -	Coroners shall be chosen by the commons of the counties.	The whole chapter.
3 Hen. 7. c. 2. -	An Acte agaynst murderers	The whole Act, except from "And also be yt ordyned by "the authority aforesaid," to the end of the chapter.
1 Hen. 8. c. 7. -	An Acte concerning coroners	The whole Act.
33 Hen. 8. c. 12. -	An Acte for murther and malicious bloudshed within the Courte.	Section one, from "And that all "inquiscons upon the viewe of "psons slayne," down to the end of the section, section eight, section nine, section ten from "or within two hundred" to the end of the section and section eleven.
34 & 35 Hen. 8. c. 26.	An Acte for certaine ordinaunces in the Kinges Majesties dominion and principalitie of Waless.	Section twenty-five.
25 Geo. 2. c. 29. -	An Act for giving a proper reward to coroners for the due execution of their office, and for the amoval of coroners upon a lawful conviction for certain misdemeanors.	So much as is unrepealed.
6 Geo. 4. c. 50. -	An Act for consolidating and amending the laws relative to jurors and juries.	Section fifty-two from "but that the "coroners in all counties" to the end of the section, so far as relates to coroners acting at inquests, and section fifty-three, so far as relates to a coroner upon an inquest.
7 Geo. 4. c. 64. -	An Act for improving the administration of criminal justice in England.	Section four and so much of sections five and six as relates to coroners.

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Session and Chapter.	Title.	Extent of Repeal.
5 & 6 Will. 4. c. 76. -	An Act to provide for the regulation of municipal corporations in England and Wales.	Sections sixty-two, sixty-three, and sixty-four.
6 & 7 Will. 4. c. 87.	An Act for extinguishing the secular jurisdiction of the Archbishop of York and the Bishop of Ely in certain liberties in the counties of York, Nottingham, and Cambridge.	Section ten from "and that the present coroner" to the end of the section, and section sixteen.
6 & 7 Will. 4. c. 89. -	An Act to provide for the attendance and remuneration of medical witnesses at coroners inquests.	The whole Act, except so far as it relates to Ireland.
6 & 7 Will. 4. c. 105.	An Act for the better administration of justice in certain boroughs.	Section six.
7 Will. 4 and 1 Vict. c. 64.	An Act for regulating the coroners of the county of Durham.	The whole Act.
7 Will. 4 and 1 Vict. c. 68.	An Act to provide for payment of the expenses of holding coroners inquests.	The whole Act.
6 & 7 Vict. c. 12. -	An Act for the more convenient holding of coroners inquests.	The whole Act, so far as relates to England.
6 & 7 Vict. c. 83. -	An Act to amend the law respecting the duties of coroners.	The whole Act.
7 & 8 Vict. c. 92. -	An Act to amend the law respecting the office of county coroner.	The whole Act.
22 Vict. c. 33. -	An Act to enable coroners in England to admit to bail persons charged with manslaughter.	The whole Act.
22 & 23 Vict. c. 21.	An Act to regulate the office of Queen's Remembrancer, and to amend the practice and procedure on the revenue side of the Court of Exchequer.	Section forty.
23 & 24 Vict. c. 116.	An Act to amend the law relating to the election, duties, and payment of county coroners.	The whole Act.

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Session and Chapter.	Title.	Extent of Repeal.
29 & 30 Vict. c. 90.	The Sanitary Act, 1866 -	Section twenty-eight, from "and "where any such place has "been provided," to the end of the section, so far as it relates to any part of England.
37 & 38 Vict. c. 88.	Births and Deaths Registration Act, 1874.	In section sixteen the words "the jury shall inquire of "the particulars required to "be registered concerning the "death and," section seventeen, from the first "upon "holding an inquest" to "registry of the death and," and from "and except on "holding an inquest" down to "shall be given by the "coroner."
38 & 39 Vict. c. 55.	The Public Health Act, 1875	Section one hundred and forty-three, from "and where any "such place has been pro-"vided," to the end of the section.

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Coroners.

A

B I L L

To consolidate and amend the Law relatir to Coroners.

(*Prepared and brought in by Mr. Secretary Cross, Mr. Attorney General, and Mr. Solicitor General.*)

Ordered, by The House of Commons, *to be Printed,* 13 *August* 1878.

[Bill 303.]

Under 5 *oz.*

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A

B I L L

TO

Amend "The County of Hertford and Liberty of St. Alban Act, 1874." A.D. 1878.

Preamble. WHEREAS by reason of the application to the county of Hertford of some of the provisions of the Prison Act, 1877, it has become necessary to amend the County of Hertford and Liberty of St. Alban Act, 1874 (in this Act referred to as the County of Hertford Act of 1874), and it is also expedient to amend the same Act in other respects:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; (that is to say,)

Short titles and construction. **1.** This Act may be cited as the County of Hertford Act, 1878, and the County of Hertford Act of 1874 and this Act may be cited together as the County of Hertford Acts, 1874 and 1878, and the same shall be read together as one Act.

Repeal of enactments. **2.** The following parts of the County of Hertford Act, 1874, are hereby repealed, namely, sections eleven and twelve, the last paragraph of section fourteen, beginning with the words "Each Committee"; the last paragraph of section fifteen, beginning with the words "Each Committee"; and section seventeen.

Power for every justice to commit to St. Alban's or to other appointed prison. **3.** Every justice of the peace for the county of Hertford shall have power to commit to Her Majesty's prison at St. Alban's, or to any other prison to be appointed by the Secretary of State under section twenty-four of the Prison Act, 1877, persons charged with offences in whichever division committed.

Provision as to quarter session at which charges are to be tried. **4.** Every justice of the peace for the county of Hertford, on committing for trial a person charged with an offence cognisable at quarter sessions, may, by memorandum signed by him on the warrant of committal, direct that the person committed shall, if tried at quarter sessions, be tried at the Hertford division quarter

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A.D. 1878.

sessions, or may by such a memorandum direct that the person committed shall, if tried at quarter sessions, be tried at the Liberty of St. Alban division quarter sessions, as the justice thinks fit, and in that case shall cause the prosecutor and witnesses to be bound over to attend at the same quarter sessions, and the trial shall (subject and without prejudice to section nineteen and the other provisions of the County of Hertford Act of 1874) be had there accordingly.

Subject to the foregoing provision of this section and to any memorandum as aforesaid, where a person is charged with an offence committed in the Hertford division, then in whatever prison he is confined, or if he is held to bail, he shall, if tried at quarter sessions, be (subject and without prejudice to section nineteen and the other provisions of the County of Hertford Act of 1874) tried at the Hertford division quarter sessions.

Subject as aforesaid, where a person is charged with an offence committed in the Liberty of St. Alban division, then in whatever prison he is confined, or if he is held to bail, he shall, if tried at quarter sessions, be (subject and without prejudice to section nineteen and the other provisions of the County of Hertford Act of 1874) tried at the St. Alban division quarter sessions.

County jurors book to be in separate parts for the two divisions.

5. For the purposes of the County of Hertford Act of 1874 and of this Act one jurors book shall be made for the whole county, but in two parts, one for each of the two divisions as if each division was a county of itself.

The jurors whose names appear in that part of the county jurors book which is made for the Hertford division shall ordinarily be summoned to attend at the Hertford division quarter sessions, but may be summoned to attend at the St. Alban division quarter sessions.

The jurors whose names appear in that part of the county jurors book which is made for the Liberty of St. Alban division shall ordinarily be summoned to attend at the Liberty of St. Alban division quarter sessions, but may be summoned to attend at the Hertford division quarter sessions.

Nothing in this Act shall affect the return or summoning of jurors to serve at assizes or elsewhere than at general or quarter sessions of the peace.

Saving for pending proceedings, &c.

6. Nothing in this Act shall prejudicially affect any committal, trial, appeal, traverse, or other magisterial or judicial proceeding, or other business or proceeding pending at the passing of this Act; and every such committal, trial, appeal, traverse, proceeding, and

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business as aforesaid shall be acted on, prosecuted, transacted, and proceeded with in like manner as nearly as may be in all respects as if the same had been done or had originated after the passing of this Act.

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County of Hertford.

A

BILL

[AS AMENDED BY THE SELECT COMMITTEE]

To amend "The County of Hertford and Liberty of St. Alban Act, 1874."

(*Prepared and brought in by Mr. Abel Smith, Mr. Cowper, and Mr. Halsey.*)

Ordered, by The House of Commons, *to be Printed*, 4 *July* 1878.

[Bill 240.]

Under 1 *oz.*

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County Representative Councils (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Powers of grand juries as to fiscal business abolished.
2. Repeal of twenty-ninth and thirty-first clauses of General Grand Jury Act.
3. Repeal of second and third sections of special Act for county of Dublin.
4. Representative Councils established in each county.
5. Each barony to elect three.
6. Baronies to be united when more than twelve.
7. Every person rated on last rate to vote.
8. Election regulations.
9. Mode of nomination.
10. Appointment of polling places.
11. Council may make new regulations.
12. Non-resident justices not to attend presentment sessions.
13. Justices of each barony to elect one representative.
14. Provision as to consolidated baronies.
15. Additional members to be elected by boards of guardians and municipal bodies.
16. Commissioners of townships may elect.
17. Representative Councils to be corporations.
18. General courts of magistrates to be held.
19. Powers of Council.
20. Not to make presentments for malicious injury.
21. Meetings of Representative Council.
22. Chairman and vice-chairman to be elected.
23. Appointment of officers.
24. Treasurer of county to continue in office.
25. Appointment of secretary of Council.
26. Appointment of county and district surveyors.
27. Fixing of meetings.

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Clause.
28. Election of finance committee.
29. Duties of finance committee.
30. Chairman of finance committee to be appointed.
31. Orders to be made at meetings of Council.
32. Meetings to be held before assizes.
33. Schedule of votes to be prepared.
34. Expenses of Act to be provided.
35. All orders to be fiated by judge.
36. Council to meet at assizes.
37. County rate to be struck.
38. Recovery of county rate.
39. Provision as to county of Dublin.
40. Council may stop up roads.
41. Moneys to be paid to credit of County Fund.
42. Mandamus to lie to Council.
43. Orders removable by certiorari.
44. Applications for compensation for malicious injury to be heard by a grand jury.
45. Proceedings to obtain compensation.
46. Grand jury may present compensation.
47. Presentment to be record of assize court.
48. Presentment may be traversed.
49. Questions may be reserved.
50. Judge to order payment.
51. Presentments for compensation for malicious injuries, &c. may be removed into Queen's Bench.
52. Appointment of board of superintendence.
53. Provision as to presentment sessions.
54. Associated cesspayers to be elected.
55. Provision as to counties of cities and towns.
56. Provision as to Carrickfergus and Galway.
57. Provisions as to lunatic asylums.
58. Privy Council to determine number of governors.
59. One fourth to be appointed by Lord Lieutenant.
60. Two thirds of the rest to be elected by Council, one third by justices.
61. Provisions where more than one county contributes.
62. Provisions as to cities and town corporate.

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Clause.

63. Number of governors to be such as to accord with the provisions.
64. Orders may be varied.
65. Lord Lieutenant may hear objections to orders.
66. Vacancies in office of governor to be filled up.
67. Property of grand juries to vest in councils.
68. Contracts to continue in force.
69. Qualification of councillors and cesspayers.
70. Duties of Council.
71. Power of Council to make byelaws.
72. Byelaws to be approved.
73. Byelaws may be removed by certiorari.
74. Penalties to be recovered.
75. Application of penalties.
76. Members of Council, &c. not to be interested in any contract, or hold any office of profit, under the Council.
77. Acts required to be done on a day happening to fall on a Sunday.
78. Short title of Act.

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B I L L

TO

Make provision for the better administration of Public Moneys now levied by Presentment in Ireland, and for the establishment of Representative Councils in the Irish Counties. A.D. 1878.

WHEREAS it is expedient to make provision for the representation of the ratepayers in the management of the rates and taxes now levied as county rate in Ireland, and for that purpose to institute in each county a Representative Council constituted as herein-after mentioned, and to transfer to such Council the fiscal powers now exercised by the grand jury of such county:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; that is to say,

Powers of grand juries as to fiscal business abolished.

1. *From and after the first day of November next*, it shall not be lawful for any grand jury of any county, county of a city, or county of a town in Ireland to make any presentment for the levying of any cess, rate, or tax, or for the execution of any further work or any other matter relating in any way to the control or management of any of the fiscal business of the said county; and *from and after that day* all the powers and duties of the grand jury of any county, county of a city, or county of a town, in relation to presenting and levying of rates or cesses, or any of the matters aforesaid, shall absolutely cease and determine.

Repeal of twenty-ninth and thirty-first clauses of General Grand Jury Act.

2. *From and after the said day*, the twenty-ninth and thirty-first sections of an Act passed in the seventh year of the reign of His late Majesty King William the Fourth, intituled "An Act to consolidate and amend the laws relating to the presentment of public money by Grand Juries in Ireland," herein-after called the Grand Jury Act, shall be and the same are hereby repealed, and the grand jury of every county shall be selected, summoned, and sworn as if that Act had not been passed.

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A.D. 1878.

Repeal of second and third sections of special Act for county of Dublin.

3. *From and after the passing of this Act* the second and third sections of an Act passed in the eighth year of the reign of Her Majesty the now Queen, intituled "An Act to consolidate and "amend the laws for the Regulation of Grand Jury Presentments "in the county of Dublin," shall be and the same are hereby repealed.

Representative Councils established in each county.

4. *From and after the first day of November next,* and at all times thereafter, there shall be in every county in Ireland a Representative Council, to be constituted in manner herein-after mentioned.

Each barony to elect three.

5. *On the tenth day of October in this present year,* and on the same day in every succeeding year, the ratepayers of each barony shall elect in manner herein-after mentioned two fit and proper persons to be members of such Representative Council.

Baronies to be united when more than twelve.

6. Provided always, and be it enacted, that as to any and every county in Ireland in which the number of baronies exceeds twelve, the Lord Lieutenant and Privy Council shall, by an Order in Council to be made as soon as conveniently may be after the passing of this Act, direct that any barony in such county, instead of electing a representative, shall, for the purposes of representation in the county council, be annexed to and form part of any adjacent barony; and they shall order and make in every such county such and so many annexations of baronies as shall reduce the entire number of baronies to be represented to twelve; and the ratepayers of any barony to which such order applies shall, for all purposes of the election, be deemed to be ratepayers of the barony to which they are by such order annexed.

Every person rated on last rate to vote.

7. Every person whose name appears on the last rate for the relief of the poor in any union situate wholly or in part within any barony in respect of premises within any barony shall be deemed to be a ratepayer of such barony within the meaning of this Act.

Election regulations.

8. On the day in each year appointed for the election, the election for each barony shall be held in the place in which the presentment sessions of the barony are held, and the high constable of the barony shall, at the first election after this Act, be the returning officer, and at all future elections such persons as the Representative Council of the county may appoint.

Mode of nomination.

9. Any two ratepayers of the barony may, at any time between ten and twelve on the day of election, by a nomination paper signed by them and delivered to the returning officer, nominate one person

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or two persons to be elected on the Representative Council. If no more than two persons are so nominated the returning officer shall declare the two persons so nominated elected. If more than two persons are nominated, a poll shall be taken, and the poll shall be conducted in the manner provided for municipal elections by the Ballot Act, 1872; and all the clauses and provisions of the said last-mentioned Act, unless where they are inconsistent with this Act, shall apply to the elections hereby directed to be held.

Appointment of polling places.

10. At the first election the polling place shall be at the place in which the presentment sessions for the barony are held; provided always, that if any barony has been annexed, there shall be a separate polling place for the ratepayers of such barony at the place in which the presentment sessions of such barony are held.

Council may make new regulations.

11. The regulations herein made for the first election shall continue to be in force until the Representative Council shall have made byelaws regulating such elections in manner herein-after mentioned.

Non-resident justices not to attend presentment sessions.

12. *From and after the passing of this Act* no justice of the peace for any county shall be entitled or qualified to sit or vote at any presentment sessions held for any barony, unless he is a resident in such barony, or a ratepayer of same, or is the owner of lands, tenements, and hereditaments for any estate within the same barony producing to him for his own use and benefit a clear income of not less than *one hundred pounds* a year.

Justices of each barony to elect one representative.

13. At the first presentment sessions held after the fifteenth of September in each year for any barony, the justices assembled at same shall separately elect a person to be a member of the Representative Council of such county. Such person so elected by the justices, and the two persons elected by the ratepayers as herein-before provided, shall be the representatives of the barony at the Council for the ensuing year.

Provision as to consolidated baronies.

14. In any case in which any barony shall have been annexed to another pursuant to the provisions herein-before contained, no election shall be so made at any presentment sessions of the barony so annexed, but all the justices qualified to attend such presentment sessions shall be entitled, for the purposes of the election of a representative, but for such purposes only, to attend and vote at the presentment sessions of the barony to which it is annexed.

Additional members to be elected by

15. In addition to the three persons so elected for each barony, the mayor of every city, town, or borough within the county which

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boards of guardians and municipal bodies.

now is or shall be hereafter incorporated under the provisions of the Acts regulating municipal corporations of Ireland shall be a member of the Representative Council of the county; and the council of every such city, town, or borough shall elect and nominate one other of their body to be, with the mayor, a member of the Representative Council of the county; and the board of guardians of each poor law union situate wholly or in part within the county shall in like manner nominate one person to be a member of the Council; and the town commissioners of every town in which commissioners shall be appointed under any of the Acts in force for the improvement of towns in Ireland, shall also nominate and appoint one of their body to be a member of such Representative Council; all such appointments to be made in each year, at some meeting of the said several bodies duly convened for that purpose.

Commissioners of townships may elect.

16. In the county of Dublin the commissioners of the township of Rathmines shall appoint, in manner herein-before provided for towns corporate in counties, two persons to be members of the county council, and so shall the commissioners of each of the townships of Kingstown, Blackrock, and Pembroke respectively, in like manner appoint two.

Representative Councils to be corporations.

17. The several persons so elected and appointed shall, on and after the first of November in each year, be and form the Representative Council of the county for the ensuing year. The Council so elected shall have perpetual succession, by the name and title of the Representative Council of the county for which they are elected. They shall be capable of suing and being sued, shall have a common seal, be capable of holding land, have the power of making byelaws, and have and enjoy and be subject to all such rights, powers, and restrictions as by law belong to municipal bodies corporate.

General courts of magistrates to be held.

18. *From and after the passing of this Act,* there shall be held in each county from time to time a general court of the magistrates of the county. Such court shall meet statedly four times in each year, on the first Tuesday in each of the months of November, February, May, and August; they shall meet in the court-house in the county town; the lieutenant of the county, if present, shall preside at every court; in his absence the chairman shall be elected by the magistrates present; the clerk of the peace shall act as secretary to every such court. In addition to these stated courts the lieutenant of the county may at any time convene a special court on giving one week's notice to each magistrate by post.

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Powers of Council.

19. *From and after the said first day of November* the Representative Council of each county shall be capable of exercising and shall have and exercise all such powers, duties, and authorities which are now vested in the grand jury in relation to the execution of any public work, or the levying of any cess, rate, or tax, and the making of any orders, or the making of any appointment, except where it is herein otherwise provided; and generally they may do all such matters, acts, and things as may now be lawfully done by the grand jury of any county, except the finding of bills of indictment, or making presentments of any offence or other matter in any way connected with the duties of a grand jury as the grand inquest of the county.

Not to make presentments for malicious injuries.

20. The Council shall not exercise the power of the making of any presentment for compensation for malicious injuries, or in respect of any crime or outrage, in pursuance of any of the Acts authorising grand juries in that behalf.

Meetings of Representative Council.

21. The Representative Council of each county shall assemble on the *tenth day of November next*, and on the *tenth day of November* in each succeeding year. All their meetings shall be held in the assize town of the county, and their first meeting shall be held at noon in the grand jury room of the county court house.

Chairman and vice-chairman to be elected.

22. They shall at their November meeting in each year elect a member of the council to be chairman and another to be vice-chairman for the ensuing year, and may, at any meeting duly convened, fill up a vacancy arising in either of such offices during

Appointment of officers.

23. They shall appoint, in addition to a secretary, such and so many other officers as may be necessary for the transaction of the business of the Council, with such reasonable salary as they may think fit. Any order appointing an officer, or fixing his salary, may be removed into the Court of Queen's Bench, and shall be quashed, if it shall appear to the Court that the appointment is unnecessary, or the salary excessive; and any facts that are disputed may, if the Court shall so think fit, be tried by a jury in such manner as the Court may direct: Provided always, that all officers appointed by the Council shall be removable at the pleasure of the Council without any cause assigned.

Treasurer of county to continue in office.

24. Any person or banking company who at the time of the first meeting of the Council shall fill the office of treasurer of the county shall continue to hold such office at the same salary and with the same tenure of office as if this Act had not been passed; and upon

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any vacancy occurring in the office of treasurer, the Council shall make provision for the discharge of the duties of such office as the grand jury are now empowered and required by law to do.

Appointment of secretary of Council.

25. The Council shall, at their first meeting, or at some adjournment thereof, appoint a fit and proper person to be secretary of the Council, and shall at any future meeting fill up any vacancy in such office. They shall annex to the office of secretary such duties as they may prescribe by any byelaws duly made in that behalf; and, subject as aforesaid, they may from time to time fix such reasonable salary to be paid to such secretary as they shall think fit.

Appointment of county and district surveyors.

26. The Council shall from time to time appoint the county and district surveyors, with such salaries respectively as they may think reasonable; but they shall not appoint any one, except a person qualified to fill such office under the provisions of a statute passed in the twenty-six year of the reign of Her Majesty the now Queen, intituled "An Act for making better provision for the "appointment of county surveyors in Ireland."

Fixing of meetings.

27. The Council may fix meetings to be held statedly at such time as they shall see fit, and may adjourn their meetings from time to time, and make such regulations as to the convening of extraordinary meetings, as to them shall seem fit.

Election of finance committee.

28. They shall, at their meeting in the month of November in each year, nominate and appoint out of their body a finance committee, of not less than seven and not more than twelve, to discharge the duties herein-after mentioned.

Duties of finance committee.

29. The finance committee shall meet from time to time as they shall think fit and as the Council may appoint. They shall examine into all applications for public works, and, if they shall think it expedient, they shall report their opinions thereon to the Council; they shall, as far as may be practicable or necessary, investigate the progress of all contracts for public works, and call for and receive the reports of all officers in relation to same. They shall, when authorised by any resolution of the Council, make payments on account of same, and generally do all such acts for the transaction of business as the Council may by any byelaw direct.

Chairman of finance committee to be appointed.

30. The Council shall from time to time appoint a fit and proper person, being a member of the finance committee, to be chairman thereof, and to discharge such duties as they may by any byelaw duly made in that behalf annex to such office; and, if they

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shall so think fit, they may fix such reasonable salary to be paid to such chairman as they may think fit.

Orders to be made at meetings of Council.

31. The Council may, at any meeting duly convened, make any order for the execution of any work or the granting of any money for same, for which the grand jury of the county might lawfully have made a presentment if this Act had not been passed.

Meetings to be held before assizes.

32. Provided always, that in every county, except the county of Dublin, two meetings shall be held in each year on a day that shall be four clear days exclusive of Sundays before the day appointed for opening the commission at each assizes. And the sheriff of every county, on receiving the precept of the justices for the assizes, shall cause public notice to be given of the day of meeting of the Council, and shall send to the secretary of the Council a notice requiring the Council to assemble on the day named in the notice, and the secretary shall thereupon summon by post each member of the Council to attend on that day.

Schedule of votes to be prepared.

33. The Council shall assemble at their place of meeting, at twelve o'clock on the day named by the sheriff, and shall then proceed to complete all business remaining undisposed of which shall require to be brought before the justices of assize pursuant to the provision herein-after contained; and they shall continue to meet each day until all such business is disposed of; and at such meetings they shall cause to be prepared a full statement of all orders made by them for the execution of any public money, or the raising of any money in the same form and manner as nearly as may be to the form in which the schedule of presentments is now prepared.

Expenses of Act to be provided.

34. They shall in such statement include all sums of money which they are authorised or required to raise by county rate, including all such sums as may be required for the expenses of carrying into effect the provisions of this Act.

All orders to be fiated by judge.

35. Unless and until provision shall be otherwise made in that behalf, all orders of the Council for the execution of any work or the raising of any money made since the previous assizes shall be submitted to the judge of assize in the same manner as presentments of the grand jury for the like purposes are now submitted; and the judge shall have and exercise in respect to them the same power and control as he now does over the presentments of the grand jury; and all the proceedings in relation to fiating such orders, and as to the traversing of the same, or otherwise, shall be in all respects the same as are now or may be by law taken in relation to such

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presentments, and all laws, usages, and statutes now in force in relation to dealing with grand jury presentments at the assizes shall, unless when they are inconsistent with this Act, be applicable to orders made by the Council.

Council to meet at assizes.

36. The Council shall assemble at ten o'clock in the forenoon of the day appointed for opening the commission of each assizes, and shall continue to meet on each and every day at the same time until the judge shall permit them to separate, but before separating they shall appoint a time for their next meeting within one week of such separation.

The Council and every member thereof shall be in attendance at each assizes, and every member shall give his attendance in open court whenever he shall be required by the judge, and he shall remain in attendance at the assizes until the judge shall think fit to discharge the Council from further attendance; and the judge may at any time direct the names of the members of the Council to be called in open court, and may impose upon those who do not appear when called such reasonable fine as he shall think fit.

County rate to be struck.

37. At the meeting of the Council so appointed to be held the Council shall make an estimate of all sums of money which they shall be then authorised or required to raise either from any barony in the county, or from the county at large; and they shall appoint and assess the sums to be levied on each barony in the county, including in such estimate any amount of compensation for malicious injury, or arising from any crime or outrage, which pursuant to the provisions herein-after contained, they may be required to raise; and they shall ascertain the proportion of the entire sum to be raised which shall be chargeable on each barony of the county, and shall appoint and strike upon each barony a per-centage rate, to be called the county rate, to be equally assessed upon all the lands, tenements, and hereditaments rated to the relief of the poor within such barony; and such rate shall be levied on the said several lands, tenements, and hereditaments as one county rate, apportionable between the landlord and tenant in the manner directed by the Land Act.

Recovery of county rate.

38. Every such county rate shall be recoverable by the same means in all respects as the county cess is now by law recoverable by distress or otherwise, and shall also be a debt due to the Representative Council by the person liable to pay same, to be recovered by them by action or otherwise as debts may be recovered by due process of law.

Provision as to county of Dublin.

39. All the provisions herein-before contained relative to the meetings of the Council, and the fiating of orders made by them,

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shall be applicable to the county of Dublin, save and except that in that county the meetings of the Council shall be held five clear days before each Easter and Michaelmas sittings of the High Court of Justice; and all orders of the Council shall be submitted to the Queen's Bench division of the High Court of Justice instead of the judge of assize; and all such proceedings shall be heard thereon as may now by law be had on any presentment for the execution of any public work, or the raising of money made by the grand jury of the county of Dublin.

Council may stop up roads.

40. Orders may be made by the Council for stopping up any existing road in the same manner and with the same consequences in all respects as presentments to the like effect may now be made by the grand jury.

Moneys to be paid to credit of County Fund.

41. All rates collected under the authority of this Act, and all moneys which shall be payable to the Representative Council, shall be paid to the treasurer, or to the banking company acting as treasurer, of a fund to be called the County Fund; and no money shall be paid except upon a resolution of the Council or Finance Committee, and a draft signed by three or more members of the Council in such manner as the Council may direct.

Mandamus to lie to Council.

42. If the Council shall refuse or neglect to make any order for the payment or assessment of money which by law they ought to make, any party interested in such payment may apply to the Queen's Bench division of the High Court of Justice for a mandamus to compel them to make such order.

Orders removable by certiorari.

43. Any order made by the Council for the execution of any public work or the payment of any money may be removed by certiorari into the Queen's Bench division of the High Court of Justice in the same manner as presentments may now be removed, and may, if in any respect contrary to law, be quashed by such Court.

Application for compensation for malicious injury to be heard by a grand jury.

44. Whenever by any law or statute now in force the grand jury of any county are authorised or required to present any sum of money by way of compensation for malicious injury to property, or for any loss or injury resulting from any outrage or crime, the grand jury of such county, notwithstanding this Act, shall and may make such presentment in any case in which they are now authorised by law to make the same.

Proceedings to obtain compensation.

45. The proceedings to obtain such compensation shall be as follows:—It shall not be necessary to make any application to presentment sessions preparatory to such presentment, and in lieu

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and stead of any of the requirements now existing by law, it shall be sufficient if the party seeking such compensation gives notice to the secretary of the County Council. Every such notice shall set out the nature of the claim, the circumstances from which such claim is alleged to arise, and the amount claimed. Every such claim shall be made at least two months before the assizes at which the presentment is intended to be sent before the grand jury; and such claim must in all cases be lodged within three months after the injury, crime, or outrage from which the claim is alleged to have arisen, or, if the claim shall arise from any murder, within three months after the death of the person alleged to be murdered, and shall be accompanied by an affidavit, duly sworn before any justice of the peace for the county, that the applicant believes such claim to be founded in truth.

Grand jury may present compensation.

46. Every such claim shall be lodged with the clerk of the Crown at least one week before the day fixed for the opening of the commission at the assizes at which such claim is to be preferred, or, in the county of Dublin, one week before the term, and thereupon the said claim shall be submitted to the grand jury, and upon the assembling of the grand jury at the assizes a presentment shall be sent up to the grand jury by the person or persons claiming compensation, in which the grounds upon which such claim is made shall be set forth with good and sufficient averments to show that such claim is authorised by law, and thereupon the grand jury shall examine into the matter of such presentment, and shall hear witnesses in support of the same, and they may either ignore or find such presentment; and if they shall find such presentment, they shall find such compensation as they may think justly and properly payable to the claimant or claimants; and the proceedings upon such presentment shall be deemed to be a part of the criminal business of the county, save and except that the witnesses shall be heard in a court open to the public, and the members of the grand jury shall give their votes openly for or against such presentment.

Presentment to be record of assize court.

47. Every presentment made for such compensation by a grand jury shall be a record of the court of oyer and terminer held at such assizes; and it shall and may be lawful for such court of oyer and terminer, or any court of oyer and terminer at any succeeding assizes, to give judgment thereon as herein-after mentioned.

Presentment may be traversed.

48. Such presentment may be dealt with by the judge or judges of the court of oyer and terminer in the same manner in all

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respects as any indictment found by a grand jury may be dealt with by the said judge or judges; and any presentment so found by the grand jury may be traversed either by the Representative Council or by any ratepayer; and upon such traverse being taken, the judge in any county, except the county of Dublin, shall direct the same to be tried by a jury, either at the then or the next ensuing assizes, and such trial shall take place in the same manner as the trial of any issue of not guilty on an indictment for misdemeanor. The traverse shall be taken by an entry in the Crown book that the person traversing opposes the presentment, and thereupon the person sustaining the presentment shall be required to prove before the jury that shall try such traverse all the facts necessary to sustain such presentment; and the jury may find a verdict in favour of the traverse, or in favour of the applicant, for such sum as they shall think fit, not exceeding that found by the grand jury. In the county of Dublin the same proceedings shall be had in the Queen's Bench Division of the High Court of Justice.

Questions may be reserved.

49. The judge at any assizes may reserve any question of law arising upon the trial of such traverse in the same manner as questions arising upon criminal trials are reserved for the Court of Crown cases reserved.

Judge to order payment.

50. Whenever a presentment is found in favour of the applicant, and same is not traversed, or, if traversed, a verdict is found in favour of the applicant, and such presentment is finally confirmed, the judge, or, in the county of Dublin, the Queen's Bench Division of the High Court of Justice, shall give judgment for the same, and make an order that the applicant shall be paid the sum for which judgment shall be finally obtained, together with his costs in that behalf properly incurred; and such order shall be transmitted by the clerk of the Crown to the secretary of the Representative Council; and the Representative Council shall thereupon include the sum so ordered to be paid in their estimate and rate.

Presentments for compensation for malicious injuries, &c., may be removed into Queen's Bench.

51. Every presentment for compensation for malicious injury, or arising out of any crime or outrage, may be removed by certiorari into the Queen's Bench Division of the High Court of Justice, in the same manner as any indictment found or to be found for any criminal offence may be removed; and the Court shall exercise over every presentment so removed, and over the trial thereof, the same jurisdiction and authority as they now exercise over any indictment so removed, and in case of such removal, the presentment and all

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subsequent proceedings shall be and be deemed to be a record of the High Court of Justice.

Appointment of board of superintendence.

52. The board of superintendence of the prison of every county in Ireland shall be appointed in the following manner; that is to say, at the general court of magistrates held in the month of February in each year the justices there assembled shall appoint four of their number to be members of the board of superintendence of the county prison, and shall direct the clerk of the peace to transmit the names of the persons so nominated to the County Council; the Council shall thereupon nominate eight other persons, two of whom at least shall be magistrates, to be members of the said board; and the twelve persons so elected, on being submitted to the judge at the assizes, or, in the county of Dublin, to the Queen's Bench Division of the High Court of Justice, and recorded in the Crown book, shall constitute and be the board of superintendence from the time they shall be so submitted until the Spring assizes, or, in the county of Dublin, the Easter sitting of the ensuing year.

Provision as to presentment sessions.

53. Subject to the provisions herein-before and herein-after contained, presentment sessions shall be held for each barony in the manner now required by law; no presentment sessions shall be held for the county at large, and all matters or things which may require the approval of such last-mentioned sessions to authorise a presentment by the grand jury may be done by the Council without such approval.

Associated cesspayers to be elected.

54. From and after the tenth day of October one thousand eight hundred and seventy-five, the cesspayers in each barony to be associated with the justices in each barony shall be those chosen in manner following; that is to say, the Representative Council shall, as soon as conveniently may be after their election, fix and determine the number of cesspayers in each barony that shall be associated with the justices at presentment sessions. On the tenth of October following, and on the tenth of October in any succeeding year, the ratepayers of each barony shall, at the same time as they elect representatives to the Council, and in the same manner in all respects, elect the appointed number of cesspayers, and the persons so elected shall be the cesspayers to be associated with the justices at all presentment sessions for the barony to be held within the ensuing year.

Provision as to counties of cities and towns.

55. In the counties of the cities of Limerick, Waterford, and Kilkenny, and in the county of the town of Drogheda, all the powers now exercised by the grand juries of such counties in elation to fiscal matters respectively from and after the passing

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of this Act shall be vested in and transferred to the town council of the said cities and towns respectively; and all the provisions of this Act shall, so far as the same are applicable, be in force in relation to the management of all public moneys now raised in such cities and towns by grand jury presentment.

Provision as to Carrickfergus and Galway.

56. If at any time hereafter the town of Carrickfergus or the town of Galway shall obtain a charter of incorporation under the Acts regulating municipal corporations in Ireland, all the powers now exercised by the grand jury of the county of the town shall be transferred to and vested in the councils elected under such charter; and in the meantime, from and after the first day of January next, they shall, as to the county of the town of Carrickfergus, vest in and be exercised by the Representative Council of the county of Antrim, and as to the county of the town of Galway by the Representative Council of the county of Galway; and the ratepayers of each of such towns shall, by an election to be held in manner herein-before mentioned, elect four representatives, and the justices of the peace two justices, to represent such towns on the said Representative Councils respectively.

Provisions as to lunatic asylums.

57. And whereas it is expedient to place the management of the sums received for lunatic asylums under the control of the representatives of the taxpayers: From and after the seventeenth March next all the powers of the present governors of any lunatic asylum supported wholly or in part by grand jury presentment shall cease and determine.

Privy Council to determine number of governors.

58. It shall be lawful for the Lord Lieutenant and Privy Council to fix and determine the number of governors which shall in future be appointed for each such lunatic asylum in Ireland.

One fourth to be appointed by Lord Lieutenant.

59. Of such governors one fourth of the number, and no more, shall be appointed by the Lord Lieutenant; any law, statute, or usage to the contrary notwithstanding.

Two thirds of the rest to be elected by Council, one third by justices.

60. In case only one county contributes to the expense of the lunatic asylum, the remaining three fourths of the governors shall be appointed in manner herein-after mentioned; that is to say, two thirds of the number shall be appointed by the council of the county, and one third by the general court of magistrates.

Provisions where more than one county contributes.

61. In any case in which the expense of such lunatic asylum is borne partly by one county and partly by another, or partly by a county and partly by a county of a city or town, the order of the Privy Council fixing the number of governors shall also determine the proportion of elected governors which shall be chosen by each of

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the contributory counties, having regard to the amount contributed by each of such counties to the expense.

Provisions as to cities and town corporate.

62. The governors to be elected by any county at large shall be chosen, two thirds by the council of the county, and one third by the general court of magistrates; the governors to be elected by any county of a city or town shall be elected by the town council of such city or town, unless in the counties of the towns of Galway and Carrickfergus, in which they shall be chosen by the councils of the counties of Galway and Antrim respectively.

Number of governors to be such as to accord with these provisions.

63. In making an order fixing the number of governors to be appointed, and the proportions in which they shall be elected, regard shall be had to fix such numbers as may admit of the divisions directed by this Act.

Orders may be varied.

64. Any such order may from time to time be varied by the Lord Lieutenant and Privy Council on notice to all the parties interested.

Lord Lieutenant may hear objections to orders.

65. The Lord Lieutenant and Council may, before making or varying any order, hear any persons whom they may think fit objecting to the making of any proposed order, or the variation of one already made.

Vacancies in office of governor to be filled up.

66. Any vacancy in the office of governor shall be filled up in the same manner as the person was appointed by whose ceasing to be a governor the vacancy shall have been caused, unless a variation in the order shall make such election inconsistent with the altered state of things.

Property of grand juries to vest in councils.

67. *From and after the first day of January next,* all property of what nature or kind whatsoever, which is now held by any grand jury or by any one in trust for them, or which is or is declared to be vested in any county or in any body in trust for such county, shall be and become the property of the Representative Council of each county respectively, and in the counties of cities and towns hereinbefore mentioned shall be and become in like manner the property of the bodies in whom the fiscal powers of the grand jury are vested by this Act.

Contracts to continue in force.

68. No contract heretofore entered into by or with any grand jury or any one on their behalf shall be in any manner affected or impaired by anything in this Act contained, but all such contracts, and all rights or liabilities arising therefrom, shall remain in full force and effect; and the body in whom the fiscal powers of the grand jury are vested by this Act shall, as to all such contracts and rights and liabilities, be in the same position as if the contract had been

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made by or with them, or in trust for them, instead of the grand jury, and they shall have, in relation to all such contracts and matters, the same power as any grand jury would have had if this Act had not been passed; and all arrears of any rate levied by grand jury presentment, and which shall be unpaid on the first day of November next, shall vest in and be the property of the body to whom the fiscal powers of the grand jury are transferred, and shall be recoverable by them in the same manner in all respects as any rate or rates imposed by them under the authority of this Act.

Qualification of councillors and cesspayers.

69. Until the Representative Council of any county shall fix the qualification of persons to be elected members of the Council, and the qualification of persons to be elected as associated ratepayers, every person, and no other, shall be deemed to be qualified to be elected a member of the Representative Council, or an associated cesspayer by the ratepayers of any barony, who would be qualified to be elected as a poor law guardian in any of the unions situate wholly or in part within such barony pursuant to the regulations prescribed for such qualification.

Duties of Council.

70. The Representative Council of every county shall be bound to do and perform the following things:

They shall assess, levy, and pay all such moneys as by any law ought to be assessed, levied, and paid:

They shall keep all the public roads, bridges, and highways of the county in good and sufficient order and repair:

They shall keep, provide, and maintain all such courthouses, gaols, prisons, bridewells, and houses of correction within the county as may be necessary for the convenient administration of justice.

In case they shall neglect to perform any of the aforesaid matters or things, or any other matter or thing whatsoever which by law they ought to do, a mandamus shall issue from the Queen's Bench Division of the High Court of Justice to compel them so to do, upon the application of Her Majesty's Attorney General, or of the Local Government Board, or of any person interested in the performance of the matter or thing which they shall so neglect; and if such mandamus shall issue to compel the repair of any public road or highway, it shall not be an answer to such mandamus that the presentment sessions of the barony have not approved of such work; and if a peremptory mandamus shall issue in obedience to such writ, the Council shall proceed to execute such work in the same manner as if it had been so approved, and shall charge against

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the barony the interest on their proper proportion of the cost of such work, and all the costs to which they shall be put by reason of such mandamus.

Power of Council to make bye-laws.

71. In addition to and not in substitution for any power of making byelaws which may be vested in them by reason of any of the provisions herein-before contained, the Representative Council of every county shall have power to make any reasonable byelaws not only for the regulation of their own proceedings and of the duties of their officers and servants, but also as to any of the matters herein-after mentioned; and they may, if they think fit, by any such byelaw, impose a penalty not exceeding five pounds for every violation of same; that is to say, they may make byelaws for any of the following purposes:

For the regulation of all contracts for public works to be paid for by county rate, and of the execution of any works undertaken in pursuance of same:

For the better regulation of the roads within the county and of the traffic on same, and for the prevention of nuisance or obstruction in any manner interfering with the safe and convenient use of such roads:

For the regulation of the election of the persons to be chosen by the ratepayers of each barony, either as members of the Council or cesspayers, in the following respects; that is to say,

Fixing the person to act as returning officer:

Determining the place of election, and the number and situation of polling places:

Regulating the notice to be given of such elections:

Determining the qualifications of the persons so to be elected:

Provided always, that such byelaws shall not be inconsistent with this Act, or contrary to the general laws of the realm; but nothing in this section contained shall be construed to weaken or take away any right or power of making byelaws which the Council would have if this section were not contained in this Act.

Byelaws to be approved.

72. No byelaw so made by the Council, except one regulating its own proceedings, shall have any force or effect unless and until same shall be allowed by the Lord Lieutenant and Privy Council, which allowance shall not be given until a period of twenty-one days after a copy of such byelaw has been sent under the common seal of the Council to the Lord Lieutenant; and immediately on any byelaw being passed by the Council, same shall be printed, and a printed copy of same shall be kept in the office of the Council to be inspected by any one who shall desire so to do; and printed

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copies shall be sent to the chairman and clerk of every board of guardians within the county, and also to the mayor and town clerk of every town corporate, and also to the chairman of all town and municipal commissioners of any town within the county; and a copy under the seal of the Council shall be sent to the clerk of the peace, and also to the lieutenant of the county, to be submitted to the general court of magistrates of the county; and a printed copy shall be given at a reasonable price to any person who shall apply at the office of the Council for the same.

Byelaws may be removed by certiorari.

73. Any byelaw so made by the Council, whether approved of or not, may be removed by certiorari into the Queen's Bench Division of the High Court of Justice, and may, upon sufficient ground being shown to the Court, be quashed.

Penalties to be recovered.

74. All penalties imposed by any byelaw shall be recoverable in the manner provided by the Petty Sessions (Ireland) Act, 1851; and all the proceedings in relation thereto shall be subject to and in accordance with the provisions of that Act.

Application of penalties.

75. All penalties imposed at any petty sessions within the county, whether for offences against any byelaw or under any law or statute, shall, unless so far as same are payable to any private individual, be paid over to the county treasurer for the use of the county fund.

Members of Council, &c. not to be interested in any contract, or hold any office of profit, under the Council.

76. No member of the Representative Council, or any of their officers or servants, shall be directly or indirectly concerned in or have any interest in any contract for any work, or the supply of any matter or thing to be paid for out of the county fund; and no members of the Council shall be appointed to or hold any office or place of profit under the Council, or receive any emolument out of the county fund, save and except the chairman of the Finance Committee, if he shall be authorised by any byelaw to be made to that effect; and if any member of the Council shall offend herein, he shall be incapable of continuing a member of the Council, and his place in same shall be vacant; and he shall be liable to a penalty of one hundred pounds, to be recovered, with full costs of suit, in an action in any one of the superior courts of common law at suit of the Representative Council, or, if the Council shall not commence such action within one month after a notice shall be delivered to the secretary, signed by any three ratepayers, calling on them to bring such action, then at the suit of any ratepayer who will sue for the same.

Acts required to be done on a

77. Whenever any act so herein-before appointed to be done on any specified day of the year, and such day shall happen on any

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day to fall on a Sunday, the act so appointed to be done shall be done on the day following.

day happening to fall on a Sunday.

78. This Act may be cited for all purposes as the Representative Councils (Ireland) Act, 1878.

Short title of Act.

County Representative Councils (Ireland).

A

B I L L

To make provision for the better administration of Public Moneys now levied by Presentment in Ireland, and for the establishment of Representative Councils in the Irish Counties.

(*Prepared and brought in by Mr. Butt and Mr. M'Carthy Downing.*)

Ordered, by The House of Commons, *to be Printed,* 15 *April* 1878.

[Bill 155.] *Under* 3 *oz.*

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